California Journal

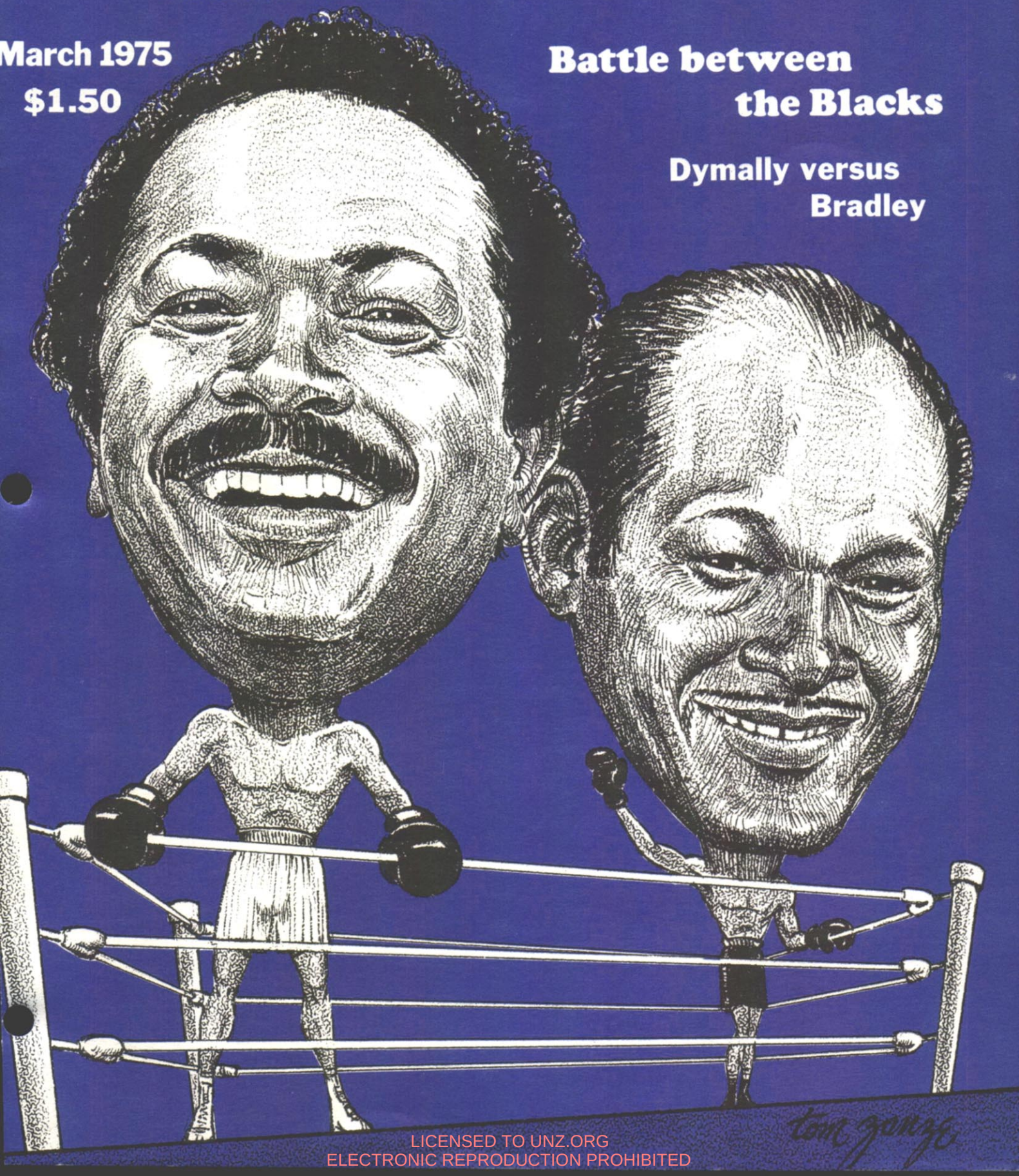
THE MONTHLY REPORT ON STATE GOVERNMENT AND POLITICS

March 1975

$1.50

Battle between the Blacks

Dymally versus Bradley



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A PERSONAL PERSPECTIVE...

By Ed Salzman

The making of a sheriff

Some California sheriffs discovered last December that they could resign for a few days at the end of the month, start drawing their monthly pension checks, and then don their badges again in January with the start of their new four-year terms. Thus, sheriffs like W.A. Davenport of Monterey County, Allen B. Cottar of Siskiyou County and John Balma of Shasta County are drawing more in combined salary and pension benefits than Governor Edmund G. Brown Jr. is paid to run the State of California. The discovery of this loophole in state pension laws was given relatively little attention in the California press.

Compare that to the furor that developed when it was revealed that former Assembly Speaker Bob Moretti and several other former legislators would be able to start drawing their pensions this year under a special post-reapportionment bonus. The state's press was outraged, perhaps justifiably, and forced the Legislature to convene in special session to take these benefits away from Moretti and his colleagues. Why wasn't there a similar outcry when Sheriff Davenport revealed in early December that he was going to start taking his $1,500-a-month pension on top of his $2,400 monthly salary?

* * *

The answer is that sheriffs enjoy some kind of special status in California. Perhaps Californians have seen too many western movies in which the sheriff protects the ordinary citizen from the black-hatted desperadoes. Perhaps it is the fact that Californians select their sheriffs through the election process, and this somehow insulates them from public criticism (although that certainly does not apply to legislators and most other public officials).

Yet it may well be that the post of sheriff is too important to entrust to the vagaries of the ballot box. In most small counties, the sheriff is responsible for virtually all law enforcement as well as maintenance of county correctional institutions. In urban counties, there are large unincorporated areas patrolled by sheriff's deputies; and the correctional problems are immense, especially since the state has been providing counties with bonus funds for handling criminals at the local level. The only sheriff in California who does not have patrol responsibilities is the controversial Richard Hongisto of San Francisco. (This is because the police department has all the law-enforcement functions within the City and County of San Francisco.) The police chief of San Francisco and virtually every other city in California is chosen by the city manager or city council from among those who have finished highest in competitive examinations. This system gives the public the best chance of getting high-caliber chiefs who will administer the law in an even-handed manner. And if a police chief is not doing a good job he can be replaced with a minimum of delay.

PENSION
SALARY
$
$
$

California Journal

THE MONTHLY REPORT
ON STATE GOVERNMENT AND POLITICS

Volume VI, Number 3 March 1975

PRESIDENT AND PUBLISHER
Thomas R. Hoeber

EDITOR
Ed Salzman

MANAGING EDITOR
Bruce Keppel

WASHINGTON CORRESPONDENT:
Lou Cannon

ART: Ric Hugo, Tom Zanze, Jan Castle

SUBSCRIPTION MANAGER:
Barbara Aguirre

CALIFORNIA JOURNAL, which presents a non-ideological analysis of California government and politics, is published monthly by the California Center for Research and Education in Government, a nonprofit, tax-exempt corporation

Publication of the *Journal* is assisted by grants from Adolph's Foundation, Michael J. Connell Foundation, Crown Zellerbach Foundation, Ford Foundation, Janss Foundation, LARAS Fund, and Natomas Company.

BOARD OF DIRECTORS

EUGENE C. LEE, chairman, director of the Institute of Governmental Studies, Berkeley.
JUDSON CLARK, California Research, Sacramento.
NATHANIEL S. COLLEY, attorney and NAACP western regional counsel, Sacramento.
DORMAN L. COMMONS, president, Natomas Company, San Francisco.
JAMES W. HALLEY, attorney and former Republican State Chairman, San Francisco.
THOMAS R. HOEBER, publisher, *California Journal*, Sacramento.
BERNARD HYINK, professor of political science, Fullerton.
EVELYN P. KAPLAN, president, League of Women Voters of California, San Mateo.
ROSELLEN KERSHAW, past president, American Association of University Women, Fresno.
EDWIN MEESE III, vice president, Rohr Industries, Chula Vista.
JOHN V. NEWMAN, president, Utt Development Corp. and board chairman, The Irvine Company and Sunkist Growers, Inc.
EMILY G. PIKE, businesswoman, San Francisco.
MADELEINE H. RUSSELL, San Francisco.
JUDGE BRUCE SUMNER, Judicial Council of California.
MAYOR PETE WILSON, San Diego.
EX OFFICIO (Co-founders): Jerome Evans, Victor H. Fazio, William Geyer.
COUNSEL: Conrad Lee Klein.

Subscription rates: Libraries and Governmental Agencies, $30; Corporations and Associations, $50; Special Individual Rate, $15.

Copyright 1975 by California Center for Research and Education in Government, 1617 10th Street, Sacramento, California 95814. Telephone: (916) 444-2840. Second class postage paid at Sacramento.

Contents

Battle between the Blacks 72
By Ed Salzman
A "separatist" movement has surfaced through the campaign to fill a Senate seat; Black politicians can now indulge in a luxury formerly reserved to Whites: the right to disagree among themselves.

Where women are winning 76
By Ginny McPartland
At the grassroots, females are challenging with increasing success the formerly man's world of local government.

Making Prop. 9 work 79
By Bruce Keppel
The Fair Political Practices Commission is beginning to breathe life into the new legal code voters imposed on their public leaders.

The Koupals' petition factory 82
By Carla Lazzareschi Duscha
People's Lobby is neither a lobby nor a mass of people, but what it does it does well — qualify such initiatives as Prop. 9.

From 'creative society' to 'new spirit' 87
By Donald G. Livingston
If the transition between the Republican administration of Ronald Reagan and that of his successor went smoothly, it was no accident.

Who's running the Resources Agency? 89
The loggers' lament that the Sierra Club is in charge may be overstated, but a new emphasis on conservation is surely in the wind.

- **Northern ecology and Southern thirst** 91

The incredibly complex 'reformed' ballot 93
By Julie Thompson
Just describing the Democrats' new open primary is enough to close a voter's mind, but revisionists are now at work.

The reapportionment game 96
By Tony Quinn
Had Republicans gone along with a legislative remapping plan, November's toll might have been even worse.

What it takes to float a third party 98
By Blake Thomson
When disenchantment with the Big Two becomes intolerable, some will seek an alternative — despite a history of political failure.

DEPARTMENTS

Newsbriefs 86
Newsmakers 88
Roll call 101
Lou Cannon 103

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Dymally versus Bradley

Sign of success--

Competition among black elected officials

By ED SALZMAN

Now that blacks have attained a high level of political success in California, they can afford the luxury of fighting among themselves like whites. Two blacks now hold statewide constitutional office (Lieutenant Governor Mervyn Dymally and Superintendent of Public Instruction Wilson Riles); a black is the mayor of the state's largest city (Tom Bradley of Los Angeles); there are three blacks in the state's congressional delegation, one in the state Senate (soon to be two) and six in the Assembly.

But as Negroes gradually attained these posts, so did bitterness develop within the ranks of top black leaders. This surfaced in the special election in Watts for a successor to Dymally in the state Senate. Mervyn Dymally's loyal follower, Assemblyman Bill Greene, has been shooting for the job for more than a year. But Dymally's political enemy, Tom Bradley, was not going to let Greene go unchallenged. The Bradley forces supported community college board member Kenny Washington, and the result was a bruising battle leading up to the March 4th election. (And if Greene is the victor, the evidence indicates that there will be another showdown between the rival forces in the special election to fill Greene's Assembly vacancy.)

This is not the first time the Dymally and Bradley forces have engaged in battle. When Bradley ran for mayor in 1973, Dymally and his followers backed a white opponent, Jesse Unruh, now state treasurer. Dymally's endorsement did Unruh little good; Bradley swept all the black precincts. Four black assemblymen — John J. Miller, Julian Dixon, Leon Ralph and Greene — supported Caucasian Leo McCarthy for the Assembly speakership in the contest with a fellow black, Willie Brown of San Francisco. Brown is now allied with Mayor Bradley and Congresswoman Yvonne Brathwaite Burke against Greene in the Senate race.

Dymally's rise

Fifteen years ago, not a single one of these central figures in the black power struggle even held public office. There was a time, prior to 1963, when there were only two Negro office-holders, Assemblymen Augustus Hawkins of Los Angeles and William Byron Rumford of Berkeley. Neither displayed the ambition of the current crop of black politicians; indeed, they were full-fledged members of the legislative establishment. Starting in 1963, with the arrival of Dymally in Sacramento, the black representation started getting larger and more active in Sacramento. Dymally developed a political machine in the Watts area of Los Angeles and helped elect three close associates to the Assembly — Greene, Ralph and Dixon. Then he ran successfully last year for lieutenant governor — the first black ever elected to a statewide partisan office (Riles' post is non-partisan).

The struggle between Dymally and Bradley is an offshoot of the bitter battles of the 1960s within wings of the Democratic party headed by Unruh and Edmund G. Brown Sr. Unruh fought some titanic battles with Brown, Controller (now United States Senator) Alan Cranston and the California Democratic Council. Dymally was with Unruh, step for step. Meanwhile, Bradley, then a Los Angeles city councilman, and his friends were with Pat Brown and the party establishment. The ties between Dymally and Unruh were so great that when the mayor's race developed in Los Angeles Dymally felt obliged to back the former speaker against a fellow black, even though Bradley was a favorite and Unruh an underdog.

Brown vs. McCarthy

The Dymally-Bradley contest has its primary effect on blacks within Los Angeles County, but the Brown-McCarthy speakership fight had reverberations in every black neighborhood in California. Brown did not hesitate to put maximum pressure on assemblymen from their black constituents. He employed this tactic in 1970 when he was running for Assembly minority leader following Unruh's resignation (to run, unsuccessfully, for governor). Brown put so much pressure on some white, liberal Democrats that they felt obliged to back a black for the job. But they weren't about to support Brown, and John Miller won the post as a compromise candidate. Brown helped depose Miller the next year, after the Democrats won a majority by backing Bob Moretti for speaker.

Upon Moretti's resignation last year to run for governor, Brown mustered a campaign against a long-time San Francisco rival, Leo McCarthy. On the surface, it appeared that Brown would have the support of his fellow blacks on the natural. But Miller, leader of the black caucus, was a solid McCarthy backer from the start. Eventually, he and Dymally helped bring Greene, Ralph

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and Dixon into the McCarthy camp. Brown generated considerable heat upon them within the black community, but they refused to budge. The black bloc (along with freshmen and Chicanos) gave McCarthy his victory and reduced Brown to the role of a back-bencher from his lofty post as chairman of the Ways and Means Committee.

The blacks who voted for McCarthy concede that relations with their fellow blacks at the grass-roots were rather delicate for a while but that the heat is now off because Brown is understood. Brown made a speech in which he implied that he had not promised positions of power in the Assembly to fellow blacks because they were not among the most talented. Under McCarthy, Dixon emerged as Democratic caucus chairman, Ralph as Rules Committee chairman and Miller as head of the Judiciary Committee. Brown, they claim, had no intention of seeing any other black reach a position of power. They say that they recognize Brown's intelligence and brilliance as a speaker, but they add that his ego makes him untrustworthy. The feeling between Brown and some of the other blacks in Sacramento probably runs just as strong as between the Dymally and Bradley camps in Los Angeles.

Political alignments

It is difficult to explain the differences between the black elected officials in terms of philosophical issues. They are invariably liberal, and there would be little variation in their voting records. Brown is reputed to be the most liberal, yet he tried to work out a deal with Republicans to win the speakership. The bitterness has grown out of conflicting political ambition and the political alliances each individual has concluded. Here is how each of the elected officials fits into the picture:

Wilson Riles. He stays out of politics almost completely, considering himself a professional educator.

Mervyn Dymally. He is clearly the leader of one major faction.

Tom Bradley. He is Dymally's prime opponent.

Congressman Augustus Hawkins of Los Angeles. He tries to remain friendly with both sides, but he usually aligns himself with Dymally.

Congresswoman Yvonne Brathwaite Burke. She is a top hand in the Bradley forces and backed Washington against Greene in the Senate race.

Congressman Ron Dellums of Berkeley. He is essentially a "folk hero" to Berkeley liberals and radicals of all races. He does not dabble much in intra-black conflicts.

State Senator Nate Holden of Los Angeles. He is variously described as an independent, a maverick and an "outsider". But that is probably because he strikes out on his own and is not willing to commit himself to any camp. Holder is closer to Bradley than to Dymally, however.

Assemblyman Bill Greene. His loyalty to Dymally is total.

Assemblyman Leon Ralph of Los Angeles. He is close to Dymally but occasionally strikes out on his own.

Assemblyman Julian Dixon of Los Angeles. A former administrative assistant to Dymally, he fits in about the same slot as Ralph.

Assemblyman Curtis Tucker of Inglewood. He is a freshman trying to find his way through the legislative wilderness as a lone wolf.

Assemblyman Willie Brown. He is anti-Dymally, pro-Bradley and most of all seeking to find a way to put his political career on the rebound. (If Republican Senator Milton Marks is elected mayor of San Francisco late this year, Brown would have a risk-free, special election shot at Marks' Senate seat.)

Assemblyman John Miller. Because he has been on a constant collision course with Brown, he has found himself allied with the Dymally forces. He aspires to a non-political judicial post.

The extent of the political involvement of the Dymally and Bradley forces can hardly be exaggerated. One of their points of conflict was the recent special election in the state Senate district around Glendale, which is solidly Republican. The GOP establishment candidate was then-Assemblyman Newton Russell, a moderate with whom Democrats in the Legislature had found it easy to work. Bradley backed City Councilman Arthur Snyder, a conservative Republican, in an effort to open a council seat for a Bradley ally. The Dymally forces used this Snyder-Bradley alliance as a campaign theme in the Greene-Washington race.

Black power

This kind of political confrontation between blacks would have been unthinkable in California only a dec-

Willie Brown | Nate Holden | Yvonne Burke | Ron Dellums | Augustus Hawkins

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ade ago. There just weren't many blacks in positions of power, and the big struggle was for more representation at the expense of the white majority. One by one, blacks took Assembly seats formerly held by such whites as Vernon Kilpatrick, Don Allen, Ed Gaffney and David Pierson. This was made possible in most cases by development of large black communities within specific Assembly districts and by redistricting. Brown's district, however, is not dominated by blacks and there is a good possibility that a Caucasian will win the seat when Brown gives it up. All are solidly Democratic, and there is no threat to any black incumbents in the Legislature from the Republicans. (The Republican candidates in some of these districts are usually black, but they do not do well. The black registration within the GOP is small, and blacks wield virtually no power in Republican circles.)

Dymally moved up to the Senate when the reapportionment of 1966 produced a tailor-made district for him. The court-ordered redistricting that went into effect last year created the district that Holden won (defeating former black Assemblyman Frank Holoman in the primary). Dymally was not the first black to seek statewide partisan office, but he was by far the best known and was fortunate to have run in a year of a Democratic sweep. However, an analysis of the returns indicates that his margin of victory was produced in different areas than was that of Governor Edmund G. Brown Jr.

Geographically, blacks are a major element in the political establishment in only three areas — Los Angeles, San Francisco and the Oakland-Berkeley-Richmond Eastbay region — although blacks have had some success in Sacramento. There have been numerous blacks elected as city councilmen, judges and school-board members in those cities.

In a sense, the election of Bradley as mayor of Los Angeles was the biggest accomplishment by a black seeking elective office in California. To win, he had to attract a large white following and had to defeat several substantial challengers in a non-partisan contest. But Bradley was not the first black mayor of Los Angeles; Francisco Rey, a mulatto rancher, served as mayor from 1793 to 1795, when California was part of the Spanish empire. During this same era, mulattos Jose Bartolome Tapia and Miguel Pico served as majordomos of the San Luis Obispo and Ventura missions.

Another mulatto, William Alexander Leidesdorff, became one of San Francisco's most prominent businessmen and a member of the City Council during the mid-1800s. This was during Mexican rule of California and prior to the discovery of gold. Before 1841, there were relatively few blacks in California, but Negroes rushed to the West Coast with Anglos in search of gold. By 1860, San Francisco and Sacramento had significant numbers of blacks. While Hispanic-Mexican culture was dominant, there was little discrimination against blacks. But the gold rush brought racism among the blacks and whites. The first white governor of California, Peter H. Burnett, had (as an Oregon legislator) introduced a bill designed to rid the state of free Negroes and mulattos by flogging those who did not leave.

Exodus from the South

Blacks found themselves in the position of fighting anti-Negro legislation pushed by so-called pro-Southern forces in the state Legislature. A Convention of Colored Citizens was formed in 1855 to combat these efforts, and the organization lasted until World War I. In 1862, the Franchise League was organized by San Francisco blacks seeking the right to vote. Blacks began to vote in the 1870s, and segregated schools were eliminated in 1875.

Historians estimate that there were 1,000 blacks in California about 1850, and that the total increased to 4,000 by 1860, making up 1 percent of the population. By 1910, the number grew to 21,645, but whites were migrating into the state in larger numbers and Negroes

Two-for-one offer

Two of our cupboards are bare — the ones that should hold copies of the November 1973 and the February 1974 issues. Perhaps you can help fill them. If so, for every copy of either issue in good condition we will give you your choice of:

- A two-month extension of your subscription.
- $2 cash.
- Any other two back issues.

Please send the November 1973 and February 1974 Journals to us at 1617 10th St., Sacramento 95814.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Curtis Tucker | John Miller | Leon Ralph | Julian Dixon | Bill Greene

constituted less than 1 percent of the population in 1910. The exodus of blacks from the South brought the total to 124,306 by 1940. More than half of these blacks lived in Los Angeles. The census of 1970 showed a total of 1.4 million blacks in the state, an increase of 516,000 over 1960. Of the nation's 50 cities with the largest numbers of blacks, five are in California:

Los Angeles, 503,606 or 17.9% of population.
Oakland, 24,710, 34.5%.
San Francisco, 96,078, 13.4%.
Compton, 55,781, 71.0%.
San Diego, 52,961, 7.6%.

Thus, it should not be surprising that the state's first black lawmaker, Frederick M. Roberts, should have been elected from a Los Angeles district. Roberts was first elected to the Assembly in 1918 and served for 16 years, eventually being unseated by another black, Augustus Hawkins.

The battle over discrimination in housing was started with the introduction of a bill by Hawkins in 1961 that later became known as the Rumford Act. Hawkins went to Congress in 1963, and that year William Byron Rumford introduced the bill that Hawkins had worked through the Assembly in 1961 only to watch it die in the Senate. Rumford had been elected from a Berkeley-Oakland district in 1948, and he held the seat until 1966, when he sought a post-redistricting Senate seat throughout Alameda County. He was narrowly defeated and tried two years later to return to the Assembly by challenging his successor, John J. Miller, in the Democratic primary. Miller kept the seat, and Rumford took a Washington appointment.

The era of rapid expansion of black representation in Sacramento started about a dozen years ago when a black minister, F. Douglas Ferrell, unseated Caucasian Vernon Kilpatrick. Almost every election in the past decade has seen the arrival of one or two more blacks in Sacramento. Blacks represent about 7 percent of the state's population, according to the 1970 census. They have one-third of the state's constitutional offices, 5 percent of the Senate and 7.5 percent of the Assembly. They can hardly claim that they are inadequately represented, either in quantity or in positions of influence.

Today's challenge

The era of expansion may not be quite over. There are a couple of other seats that eventually might be won by blacks (the northern Alameda County Senate seat held by Democrat Nicholas Petris, for example), but there will hardly be the number of opportunities in the next decade that there were in the last. The districts with large concentrations of blacks have just about been picked off. To expand the base further will require incursions into largely white districts, such as the one represented by Willie Brown. And there are a few of these that could be won by a black, such as the Berkeley-based seat now held by Democrat Ken Meade. And the next reapportionment might create an opportunity or two.

But the big push for representation now is coming from other quarters — from women and Chicanos. While blacks cannot expect to make many more inroads in numbers, there still are the highest offices to be attained — governor, United States senator, speaker of the Assembly. And it is the scramble for the room at the top that is producing the same kind of conflict within the black political community that had previously been limited to the warring factions of whites within both political parties in California.

Black elected officers

California blacks now holding state and national elective office:

Lieutenant Governor — Mervyn M. Dymally of Los Angeles, elected in 1964, former state senator and assemblyman.

Superintendent of Public Instruction — Wilson Riles of Sacramento, first elected in 1970, career educator.

Members of Congress — Augustus Hawkins of Los Angeles, elected 1962, former assemblyman; Ronald Dellums of Berkeley, elected 1970, former Berkeley city councilman; Yvonne Brathwaite Burke of Los Angeles, elected 1972, former assemblywoman.

State Senator — Nate Holden of Los Angeles, elected 1974, former president of the California Democratic Council. (Another black will be elected to succeed Dymally in the Senate.)

Assemblymen — Willie Brown of San Francisco, elected 1964; John J. Miller of Berkeley, elected 1966; Julian Dixon of Los Angeles, elected 1972; Curtis R. Tucker of Los Angeles, elected 1974; Bill Greene of Los Angeles, elected 1966; Leon Ralph of Los Angeles, elected 1966.

All are Democrats, although Riles was elected to a non-partisan office.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Local government: the political arena where women are winning

By GINNY MCPARTLAND

Female faces are becoming more familiar on the local political scene in California. An increasing number of women are running for city councils and county boards of supervisors, and a good number of them are winning. But women are not even close to reaching political equality with their male counterparts; nor is it likely that they will in the foreseeable future.

Contrary to a widely accepted myth, however, the painfully slow progress of women on the local, state and national levels is not a result of an inherent voter prejudice but rather of their own disinclination to assume the role of decision-maker.

In 1960, there were eight women on California's county boards of supervisors. These women comprised 2.7 percent of the 296 supervisors. In the same year, when there were 355 cities in the state, 65 women sat on city councils (3.6 per cent). Now there are almost 200 women sitting on the state's 412 city councils, although females still constitute less than 10 percent of total council membership. With 14 women now sitting as county supervisors, females comprise only 11 percent of those county and city decision-makers, despite the fact that women account for 40 percent of the state's workforce and 53 percent of its population.

Women have made more progress obtaining seats on councils where the positions are often unsalaried, and in cities where councils indulge in relatively little significant decision-making. Indeed, among the other local elected officials — county clerks, treasurers, tax collectors, auditors, district attorneys, assessors, sheriffs, coroners, and superintendents of schools — even fewer women are found now than in 1960 (40 today, compared with 75 then).

1974's optimism

Traditionally, women have most often held clerk, auditor, and treasurer-tax collector posts, and this is still the case. Nonetheless, election year 1974 brought some optimistic news for female politicians:

Janet Gray Hayes, 47, San Jose city council member and vice mayor, was elected the city's first female mayor. She also earned the distinction of being the first woman mayor of a United States city of more than 500,000 population. Hayes joins six other women who serve as directly elected mayors of California cities — Doris Davis of Compton; Ilene Weinreb of Hayward; Gabrielle Pryor of Irvine; Helen Putnam of Petaluma; Lorraine Pearson of Ukiah; and Florence Douglas of Vallejo.

Mary Lee Knapp, a 33-year-old former newspaper reporter, defeated a 12-year incumbent to become Sutter County's first female supervisor.

Wilma Muth, a 49-year-old Bishop housewife and former city council member, won a seat on the Inyo County Board of Supervisors.

Barbara Crowley, a Red Bluff educator, was elected to the Tehama County Board of Supervisors.

Geri Steinberg of San Jose was appointed in December to fill a vacancy on the Santa Clara County Board of Supervisors.

Audrey Bush, a Weaverville sports columnist, was elected to the Trinity County Board of Supervisors.

Those women joined these previously elected county supervisors: Dianne Feinstein and Dorothy von Beroldingen of San Francisco, Ginny Simms of Napa, Betsy Marchand of Yolo County, Sandra Smoley of Sacramento, Nancy Smith of San Bernardino, Jean Fassler of San Mateo County, Bessie Sander of Shasta County, and Olga Hudson of Lake County.

Certain advantages

These successes suggest that women are making inroads into local politics. And there is evidence that they bring with them certain advantages not always enjoyed by the males who have dominated the scene for a century. Some examples:

- Most women in local political office, although college educated, are housewives by occupation and thus not hampered by special-interest considerations. They have become involved in local government to "do good", often moving into politics from years of community volunteer service. (Napa County Supervisor Ginny Simms suggested that this idealistic approach taken by women can, if enough of them are elected, revitalize county government.)
- Often a woman evokes an image of approachability, and often female candidates campaign on a promise

The author covered attempts by women to win local elected office while a reporter with the Yuba City Independent-Herald.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of "accessibility". (Knapp's proposal for night board meetings in Sutter County was part of such a theme.) Moreover, Wilma Muth, newly elected Inyo County supervisor, claims that other women feel more comfortable attending meetings with a woman on the board and feel more at ease in talking to her than to her male colleagues. (On the other hand, Yolo County Supervisor Betsy Marchand, 40, noted that her male constituents seem to have trouble approaching her with a problem.)

- Women are said to take a fresh approach to the problems of local government, do their homework, and are often the best informed on the issues before their boards.

Constant reminders

The notion that women do not need to earn money and, therefore, can afford to serve on unsalaried boards remains alive and well-accepted in California. Electorally, however, it is not without political advantage: Because their husbands pay the bills, the wives are less apt to be "on the take" from special interests in the Old Boy tradition. And those who did earn their own way before entering politics tend to come from fields less likely to produce a conflict of interest than, say, local business.

Despite good reasons for a politically conscious woman to seek local office, she is reminded at every turn that there are those who consider a woman's place to be at home, especially if there are young children. (Supervisor Knapp, the mother of two sons, was accused during her campaign of being a bad mother in not staying home with her offspring. One woman even accused her of proposing evening board meetings so that her husband could baby-sit. "They are his children, too," Knapp replied.) Most such criticism comes from women who, apparently having delegated themselves to traditionally female roles, have trouble accepting a woman in a hitherto man's world. It may be that the woman who can rise above such doubts and handle such comments has convinced herself that she is worthy and capable of the job she is running for. But it has been other women — those who never persuaded themselves to believe they might be qualified — who have kept the number of successful women candidates minimal and tended to vote the male party line (though this negative female vote may be eroding significantly, as some recent statewide legislative and local victories last November suggest).

Some ambivalence

The female candidate also runs into criticism that a male might not be expected to meet — such as lacking technical knowledge of problems in road construction and drainage. Once in office, however, the situation changes, even becomes ambiguous. Sacramento City Council member Anne Rudin said that she has felt both under closer scrutiny and ignored because of her sex. She noted that the Sacramento-Yolo Manpower Consortium, which is empowered to spend $6 million and is rarely covered by news media, counts three women on its six-member board, which she chairs.

Women holding seats on county boards and city councils in California are not generally militantly feminist. Few subscribe to feminist goals or are active in the National Organization of Women or its political arm, the National Women's Political Caucus. San Francisco Supervisor Feinstein has been subject to attack by feminist groups, and she has been critical of them on occasion, too. "If the feminists don't agree with you on three or four points," she asserted, "they will try to destroy you." It may be that the victorious female elected official tends to see success as personal rather than a triumph for the "movement". Many of them attribute their victories to a campaign emphasis on face-to-face contact with voters. Rudin, for example, held at least 65 "coffees" and personal appearances in the course of her 1972 campaign — in part to dispel a militant feminist image. "People were always pleasantly surprised to meet me," she said. "They were relieved to find out I was just like the woman next door — not the feminist they had imagined. People often think that if a woman is brazen enough to run for office she must be very aggressive."

League experience

Rudin became interested in government through long participation in the League of Women Voters,

CORRECTION

California Journal inadvertently transformed three Democratic members of the state's congressional delegation into Republicans last month ("Commander Phil and the children's crusade," p. 47). Readers most likely will have correctly identified Representatives Yvonne Brathwaite Burke, Fortney Stark and B.F. Sisk as Democrats despite the "Republican" label preceding their names. How would such a misnomer be possible? The abbreviation, "Rep.", was misinterpreted by a type-setter instructed to spell out the title.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

which she served as state president from 1969 to 1971. She had trouble seeing herself as a candidate rather than as someone working behind the scenes, she recalled. It dawned on her, after League members suggested the idea to her, that if she expected to see more women in public office she would have to set an example to other, perhaps more timid, women. Soon after her election to the Sacramento City Council in 1971, Rudin, Pat Russell of the Los Angeles City Council, and several other women started an elected women's group, California Elected Women's Association for Education and Research, to encourage female candidates.

"When women see other women in decision-making positions," observed Smoley, who is active in the association, "they begin to feel, 'I can do it too.' That's really the purpose of the group — to set up elected women as an example." To further this goal, the group offers internships and seminars.

The nonpartisan League of Women Voters has been losing board members to elective politics. (A political candidate or office-holder cannot sit on a local or state League board.) In keeping with its nonpartisan stance, the League does not endorse candidates. (The National Women's Political Caucus, on the other hand, publicly endorsed Rudin and Smoley.)

Money problems

Female candidates seldom have trouble recruiting women to address envelopes, hold coffees and walk precincts; their difficulty is in attracting substantial campaign contributions. Money is always a problem for a newcomer, and a woman is almost always a newcomer to politics. She seldom has the power base of her male counterpart, and her lack of association with the business world works against her when it comes to seeking financial support. [See "Women: the frustrated majority", *CJ*, March 1974.]

Sutter County community leaders at first were skeptical of Mary Knapp's candidacy, for example. After the primary, in which she topped a field of four candidates, these same community leaders were talking up her candidacy and even making campaign contributions. Smoley, the first woman to be elected Sacramento County supervisor, also had some trouble convincing the voters that she was a serious candidate. (Her motto: "Sandy Means Business.") Since her 1972 election, she has been elected vice president of the Sacramento Mother Lode Supervisors Association and last December was nominated for president of the County Supervisors Association of California.

Personal limits

Feinstein, who topped the roster of San Francisco supervisorial candidates both in 1969 and 1973 and plans to run for mayor this year, has so far drawn the line at seeking statewide office as being too disruptive of family life. ("I can't expect my husband to follow me around," she explained.) Whatever progress women have made in the last 15 years — and it is hard to deny that progress has been made — the question remains whether such an attitude of domestic passivity is purely personal or societal. Although man has for centuries tacitly expected his woman to "go where he goeth", today's woman, however liberated, feels reluctant to expect the same of him.

It was said . . .

From the outside, it's easy to throw rocks. When you are inside, you begin to meet the really high level, really conscientious people of which this agency has a very large number. You tend to sit down and reconsider.

. . . *by Claire Dedrick, secretary of resources, in the Sacramento* Bee.

The students don't need it — it's just a lounge. They should be out in the hills.

. . . *by Governor Edmund G. Brown Jr., commenting on his vote against construction of a $1 million student union building at Sonoma State University.*

They are going back to a determinate sentence which we already know from history is a flop. So why the hell go back to it? Everybody wants to go back to the good old days, which weren't worth a damn. They are only good because we didn't live under them.

. . . *by Raymond K. Procunier, former director of the Department of Corrections, in a Sacramento* Bee *interview on his appointment as chairman of the Adult Authority, or state parole board.*

Cut through the biased reporting of our activities and tell the people we are in tune with the aspirations of the nation.

. . . *by former Governor Ronald Reagan, addressing the Republican State Convention in Sacramento.*

If I were a doctor, I wouldn't even answer the phone without insurance.

. . . *by William Schuber, executive director of the Alameda-Contra Costa Medical Association, in the wake of the announcement by an insurance company that it was cancelling medical malpractice coverage.*

We shouldn't kid ourselves, prisons are poor places to put people. I think we lock people up because we don't know what else to do with them.

. . . *by Jiro Enomoto, newly appointed state director of corrections.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Making Prop. 9 work:

- *Lawsuits from the lobbyists*
- *Tears from the restaurateurs*
- *Guidelines from the commission*

By BRUCE KEPPEL

The loudest thing in the hearing room in the Department of Transportation's basement in Sacramento is the plumery of the lobbyists. They are seated in otherwise subdued fashion, filling the small auditorium, while the five members of the Fair Political Practices Commission look down upon them from their executive chairs. "We are learning how many angels can dance on the head of a pin," observes one of the lobbyists. Actually, they are learning the ABCs of life under the Fair Political Practices Act of 1974, enacted by the voters last June in the form of Proposition Nine.

The commissioners met periodically last month to set up emergency regulations dealing with the lobbying provisions of the far-ranging act. And their work was crowned, on the 18th, by a school for lobbyists — "a school for scandal," as someone quipped — conducted by commission counsel Bob Stern on the finer points of living within the new law. On the 28th, the lobbyists would hand in their first spending reports and show how well they had learned their lessons.

Lobbying requirements

The Fair Political Practices Act requires all lobbyists to register with the secretary of state's office, where they must also report monthly on whom they spent how much money to influence what decisions on behalf of which interests. The registration and reporting are not new; the detail and, especially, the naming of the objects of the lobbyists' attention are new. And so is the existence of the commission to enforce the requirements and of Franchise Tax Board auditors to verify the reports. (Governor Brown's budget contains funds for additional auditors to handle these accounts.)

In all, it's a scary new world facing legislative advocates in 1975 — quite apart from the limit of $10 a month that can be spent on any one legislator or government official in the hope of buying precious ear time. Sacramento's lunch bunch has lost some of its easy-going, don't-worry-about-the-tab character, which grew out of the capital bartenders' ability in freer days to match lawmaker bar bills to lobbyist tabs. The question now is how to comply with the new law and still carry on the legitimate function of representing the various publics before the government of the state.

Court challenges

Not that the lobbyists were all that docile. Two groups of them were challenging various provisions in lawsuits and, while both were dealt immediate setbacks, the cases are pending. "We're in the top half of the first inning," commented FPPC Chairman Daniel Lowenstein, "and we're playing pretty good ball so far. But there's a lot of game left."

The suits were brought by the California Bankers Association, in Sacramento County Superior Court, and by the Institute of Governmental Advocates, in Los Angeles County Superior Court. The bankers' suit did prod the commission into prompt action in coming up with emergency regulations defining some of the broader terms of Proposition Nine. These took the form of a series of guidelines to help lobbyists and their employers adjust to their new responsibilities. (These involved tests to determine who is or is not a lobbyist and, therefore, subject to the provisions of the act, what sort of accounting procedures will be required to meet the expense-reporting requirements, and what kinds of activities constitute lobbying.)

Disclosure provisions

The other aspect of the Fair Political Practices Act immediately implemented is the disclosure of potential conflicts of interests by public officials in state and local government. The deadline for those elected to state and local office last November and who took office in January, passed 30 days later, on February 6th. These disclosure reports are filling up a new set of open files in the commission's office beneath a public parking structure at 1015 L Street, across from the Capitol.

These reports produced a spate of news stories about who appeared to be the wealthiest or least wealthy legislator or constitutional officer, human-interest tidbits

Guidelines available

Copies of the guidelines issued by the Fair Political Practices Commission referred to in the article may be obtained by contacting the commission at 1015 L Street, Sacramento 95814. The telephone number is (916) 322-5660.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that may have left obscured the reason for the reports. This is spelled out in the new law:

> No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

The law also specifies that the requirement applies "to elected state officers, members of the board of supervisors and chief administrative officers of counties, mayors, city managers, chief administrative officers and members of city councils of cities, and to candidates for any of these offices at any election."

To carry out the general intent to provide a basis for measuring conflict of interest, the law requires public agencies to adopt conflict-of-interest codes (meeting specified criteria) by April 1, 1976 (for agencies in existence as of this April 1st). [For a summary of the law and the elements required to be disclosed — the magnitude of financial holdings and investments must be indicated but not their exact amounts — see *CJ*, May 1974, special supplement on the June ballot measures.] Future agencies will have six months from the date when they begin operation to devise such a code.

Commission code

A code is required, too, of the Fair Political Practices Commission, and this may be completed before the April 1976 deadline ("if we can get to it before then," said Counsel Bob Stern). The FPPC members (who are serving six-year, non-renewable terms) can expect to come under close scrutiny, and two of them have experience in lobbying — one past, one present. Richard Carpenter for years represented the League of California Cities as a lobbyist, and former Congressman Jerome Waldie represents a postal workers' union. (Waldie's case attracted wide attention, since commissioners are specifically prohibited from lobbying, though it was pointed out that his activity did not come under the state law's provisions, which apply to state and local government, since his advocacy is limited to the federal government. Nevertheless, Republican State Chairman Paul Haerle called for Waldie's resignation, criticizing the Democrat for honoring the letter but not the spirit of the new law. Waldie agreed with Haerle's reasoning and, on February 20th, announced that he would quit the commission.)

The commission has $500,000 to finance its activities in the final half of the present fiscal year, and the law provides for at least $1 million annually thereafter. Since coming into existence on February 1st, the commission has been hiring staff — a task that Lowenstein described as less than half completed by March. And the commissioners met several times a week last month to devise the emergency guidelines to resolve the lobbyists' most pressing anxieties (and turn away the potential legal challenges already facing them as they took office).

One of the key appointments made last month was that of Michael Bennett as executive director. Bennett, a co-founder of California Rural Legal Assistance, will serve at the pleasure of the commission. Lowenstein, who was appointed chairman by Governor Brown, said that he expects to proceed carefully with the hiring process, which is the chief reason, he added, that the commission is so understaffed at this point. At the end of the month, the commission added Rudolf Nothenberg, former chief consultant to the Assembly Ways and Means Committee, to its staff to direct accounting policy. (These appointments have yet to be classified by the State Personnel Board and placed under civil service, but they soon will be, Lowenstein added.)

Secretary of state's role

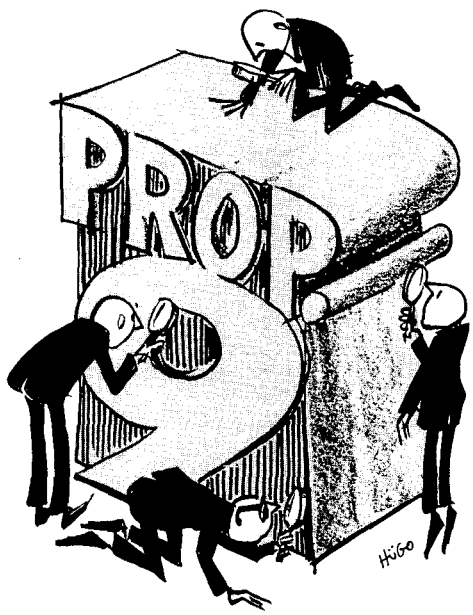
Another crucial element in the commission's ability to enforce the new law is the relationship between it and the secretary of state's office. So far, that relationship is tenuous, since both sides are in administrative turmoil — the commission through birth pangs, the secretary of state through staff turnover stemming from Brown's departure and March Fong Eu's arrival. ("Everybody's so busy," remarked Lowenstein, "that there's hardly time to worry about a relationship.")

The lobbyists register in the secretary of state's office and file their reports there; eventually, the campaign-spending statements will be deposited there, too. The commission's staff will have access to these reports for periodic review, and so will the Franchise Tax Board's auditors. The conflict-of-interest reports, on the other hand, are filed with the commission, in the case of all state officials and also members of city councils and boards of supervisors. (Reports of officials and jurisdictions responsible to city councils and boards of supervisors will file their reports with those bodies.)

Campaign spending

The remaining provisions of the Fair Political Practices Act deal principally with campaign-spending limits and requirements for reporting all campaign funds raised and expended. Early next year, the commission will announce the spending limits for any statewide measures on the June ballot, but it won't be until the 1978 election, when the constitutional-office terms run out, that the limits will come under their first real test. (These limits are determined by multiplying the number of Californians registered to vote next year by a specified number of cents and a cost-of-living factor.)

A year from now, it seems certain, the lobbyist provisions will have become far more integrated into the state's political way of life, replaced in the public's attention with new requirements for reporting on campaign financing. So far, the only part of the campaign-spending



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Toward a new legislative lifestyle?

Assemblyman John T. Knox of Richmond calls it a "Prop. 9 Party". In all outward respects, it looks no different from any of the gourmet dinners Knox has sponsored over the years — with the bills for food and drink being picked up by the contingent of lobbyists present.

The first one took place at Knox's apartment near the Capitol. The guests were a handful of legislators, a small group of lobbyists, a few wives and a member of Knox's staff — the usual contingent. But a member of the press corps was invited this time — as a witness to the financial arrangements.

Under Proposition Nine, the traditional lobbyist-pay-all party is difficult if not impossible to carry off legally. Every guest to Knox's apartment was told in advance that hereafter the dinners would be strictly Dutch treat. Everyone was expected to pay 50 cents into a pot whenever he or she poured an alcoholic beverage. And when the paella was served, it was announced that the bill for the groceries divided by the number of participants figured out to $4 a head. The cash was collected as the food was served.

section to occupy the commission has been that dealing with a lobbyist's political contributions, which are now illegal.

The 35 lobbyists who formed the Institute of Governmental Advocates to seek to bar implementation of the new law focused primarily on this ban as an infringement of their constitutional right to free speech. Los Angeles Superior Court Judge Harry L. Hupp denied the IGA bid on preliminary hearing, but the case, as Lowenstein noted, is far from being over. (The firm representing IGA, which includes some of Sacramento's formerly highest-rolling lobbyists, is Ball, Hunt, Hart, Brown and Baerwitz of Beverly Hills; the Brown is Edmund G. Brown Sr.)

Judge Hupp also rejected the lobbyists' contention that Proposition Nine had violated the California Constitution's limitation of initiative measures to no more than one subject. He explained that, to him, Proposition Nine dealt with only one subject, political reform. Concerning a number of specific questions of interpretation of the new act raised by the IGA lawsuit, Hupp advised letting the commission work them out.

Guidelines issued

That advice got the commission off to a fast start. In a series of guidelines it has dealt with the following points:

Who is a lobbyist? The commission came up with definitions that covered three categories of legislative advocate — representing clients on contract, representing governmental entities, and representing a firm as an employee. (The record-keeping requirements for each differ in some details.) To narrow the class of persons who qualify as lobbyists under the new law, the commission ruled that a "lobbyist" must be paid for seeking to influence the actions of lawmakers and public officials on a "regular or substantial basis". It then set up a test of what would be "regular" or "substantial":

- Spending 40 hours of paid employment within any two consecutive calendar months to influence legislative or governmental action.
- Earning at least $1,000 in any calendar month for the same purpose.

What kind of actions? The next question was what kind of actions were subject to regulation. The commission commented:

> The test to determine whether or not a person's activity constitutes 'influencing legislative or administrative action' [as stated in the act] is one of fact: What is the principal purpose of the activity? If the purpose of the activity is to promote, support, influence, modify, oppose or delay any legislative or administrative action, then the activity is within the definition.

What is "communicating"? As for what constitutes "communicating" with a lawmaker or governmental

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Policing the new law

The five-member Fair Political Practices Commission must contain no more than three commissioners of the same political party. The governor appoints the chairman and one commissioner (Daniel Lowenstein, a Democrat, and Richard Carpenter, a Republican), and they must not be of the same political party. The attorney general, secretary of state and controller each appoints one commissioner (Carol Arth Waters, Anthony L. Miller and Jerome Waldie, respectively; Waters is a Republican, and Miller and Waldie are Democrats, and with Waldie's resignation the 20th Controller Ken Cory will get another crack at an appointment.)

Governor Brown's appointees (Lowenstein and Carpenter) will serve four-year terms as of last February 1st; the other commissioners will serve for six years, and their successors will be named to four-year terms. This provision assures a staggered succession with no more than three commissioners leaving office at any one time.

Only the chairman draws a salary; the other commissioners receive $100 for each day of official duties, plus expenses. Section 83105 of Fair Political Practices Act specifies, in part: "No member of the commission, during his tenure, shall hold or seek election to any other public office, serve as an officer of any political party or partisan organization, participate in or contribute to an election campaign, or employ or be employed as a lobbyist [seeking to influence actions and decisions of state and local government]. Members . . . may be removed by the governor, with concurrence of the Senate, for substantial neglect of duty,

Dan Lowenstein

gross misconduct in office, inability to discharge the powers and duties of office or violation of this section, after written notice and opportunity for a reply."

The commission has an executive director, Michael Bennett, appointed by the commissioners and serving at their pleasure. Other staff can be added as needed. The chairman and executive director may be empowered by the commissioners to act on their behalf between regular meetings.

The commission may hear complaints, initiate investigations, subpoena witnesses and records, issue cease-and-desist orders and make findings of violations of the Fair Political Practices Act, and levy fines of up to $2,000.

official in the sense of the new law, the commission observed:

> The term 'to communicate . . . with any elective state official, agency official or legislative official' . . . means to appear as a witness, to talk with such officials, either in person or on the telephone, to correspond with such officials, or to answer questions or inquiries from such officials, provided that such activity occurs for 10 hours or more during any period of two consecutive months or that $1,000 or more is received or earned in a month for such activity. The communication may be either direct or through one's agents.

Gifts and goods

Apart from limiting the lobbyists' luncheon largesse, the law deals with the exchange of gifts and goods of value between not just a lobbyist but the firm that employs the lobbyist and a public official or lawmaker and their immediate families. Generally speaking, such "exchanges" must be reported, even if they take place between a private concern and a firm in which the public official holds at least a half interest. The commission also provided some examples of the kinds of transactions that would come under the law.

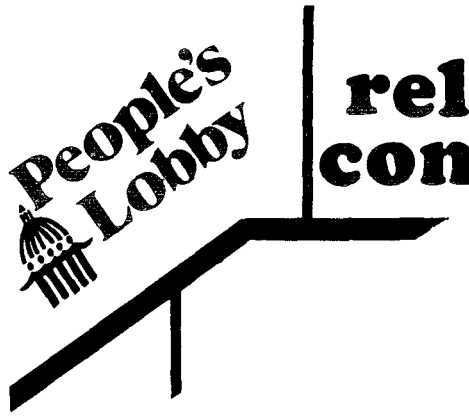
That technical clarification stemmed in part from the lawsuit filed against the commission by the California Bankers Association. The bankers charged that the "exchange" provisions could mean normal banking transactions and thus impose a responsibility on banks to identify which of their clients are public officials and candidates. The commission laid that concern to rest by merely excluding normal banking transactions. In refusing to grant an injunction delaying implementation of the new law, Sacramento Superior Court Judge Abbott Goldberg — as did Judge Hupp — saw the need to give the commission time to work out the regulations to implement the act.

A new regard

Meanwhile, lobbyists and lawmakers bumping into one another in Posey's, Ellis', Frank Fat's and the other familiar watering places around town are casting a cooler eye on one another — and business is slower in all of these establishments. The taxpayers now are paying for the refreshments formerly provided lawmakers in the lounges off their chambers by private-interest lobbyists. And the legislators dug into their own pockets to raise funds to keep Capitol Park's famous squadrons of squirrels in nuts — until now a gift of someone who feared that such continued generosity might be misinterpreted.

But as operation of the Fair Political Practices Commission gets under way, the alarums and excursions witnessed so far amount to a case of too much, too soon. The new law, enacted by the people, is a political reality, and the ground-rules for those who wish to play the game of government and politics in 1975 have been revised. In getting down to the chore of mastering the revisions it may be consoling — at least to the private citizen — to recall that the aim of the Fair Political Practices Act of 1974 was to try to equalize access and influence so that public policy can be determined, presumably, on the merits of the question at issue. The only oddity is that such a thought might be considered radical or unfair.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



It isn't a lobby . . . and the people are few

By CARLA LAZZARESCHI DUSCHA

People's Lobby is not really a lobby at all. Nor is it a "grass roots political organization". Or a group representing "the people".

Its style is too blatant and obnoxious to be the first. Its record is too successful to be the second. And its membership is far too limited to be the third.

Just what People's Lobby is, however, is a bit harder to say. It certainly is one of the most effective petition-circulating businesses California has ever known. And business it is. Not only does it generate money (last year the People's Lobby printing plant, stocked with $150,000 in equipment, grossed approximately $100,000), but its founder and leader, Ed Koupal, a former used-car salesman, runs the lobby as he would a McDonald's hamburger franchise.

Koupal, his wife, Joyce, one of their three children and a handful of dedicated volunteers turn out signatures on initiative petitions to change state laws (like Proposition 9, the political reform measure voters approved last June) the way a McDonald's turns out hamburgers. The Lobby is not as important to the political world as McDonald's is to the fast-food trade. But the Proposition 9 victory showed the state that the Lobby could change the law by the initiative process. And there are more than just a few people who think the Lobby can repeat its success on other issues.

'Sign here'

Just like McDonald's, the Lobby has a special formula for what it does. "Generally, people who are out getting signatures are too god-damned interested in their ideology to get the required number in the required time," Koupal said. "We use the hoopla process. First, you set up a table with six petitions taped to it and a sign in front that says, SIGN HERE. One person sits at the table. Another person stands in front. That's all you need — two people.

"While one person sits at the table, the other walks up to people and asks two questions. (We operate on the old selling maxim that two yesses make a sale.) First, we ask if they are a registered voter. If they say yes, we ask them if they are registered in that county. If they say yes to that, we immediately push them up to the table where the person sitting points to a petition and says, 'Sign this.' By this time the person feels, 'Oh goodie, I get to play,' and signs it. If a table doesn't get 80 signatures an hour using this method, it's moved the next day."

Koupal said that about 75 percent of the people sign when they're told to. "Hell no, people don't ask to read the petition and we certainly don't offer," he added. "Why try to educate the world when you're trying to get signatures? Why try to re-invent the wheel? We're out to get things done, not to educate people. You can't get things done if you spend your time doing that. We're running a business and we're experts. We know what we want done and how to do it. And we do it."

'Free-wheeling charisma'

It is this signature-gathering system, and other car-selling techniques Koupal has made an integral part of the Lobby, which gives Koupal the bulk of his satisfaction from running the group. Koupal is not driven by any particular political philosophy or partisan cause beyond his rigidly held belief that the people have the right to govern themselves. One close aide to former Governor Reagan said Koupal had the "free-wheeling charisma of an old-fashioned libertarian." Koupal thinks of himself as a populist whose mission is to preach the credo that "final responsibility rests with the people." He has no other partisan cause. "I think that no issue is right, no candidate is right. It's just that the time is right," Koupal said. "If you really believed in a cause, you'd go with one-world government because that is the proper cause. But the time just isn't right for that."

The Koupals — and the Koupals *are* People's Lobby — have earned the unrelenting hatred of some politicians and the grudging admiration of others. But more important, they have harnessed the initiative process (and the art of filing lawsuits) so thoroughly that what politicians think of them and their efforts makes little difference in what the Koupals do.

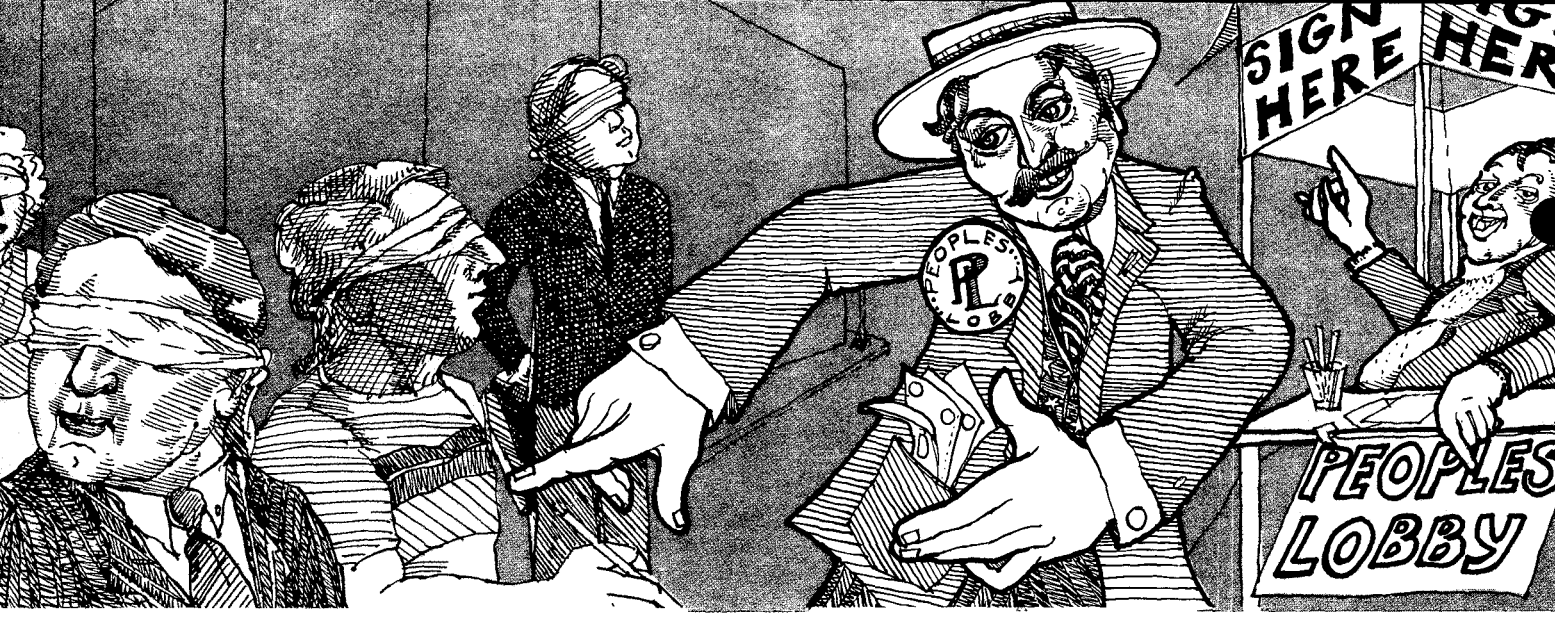
Hiram Johnson's reforms

The initiative process was passed into California state law in 1911 following the election of Governor Hiram Johnson. Johnson, outraged at the tremendous power that Southern Pacific wielded in Sacramento and in local communities, ran on a platform that promised to return the government to the people through three major reforms: the referendum, the recall and the initiative. The referendum allows voters to nullify a measure passed by the Legislature through a popular election. The recall

---

The author, a Sacramento free-lance writer, was formerly a reporter for the Richmond Independent.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



gives citizens the right to vote elected officials out of office. The initiative allows citizens to write their own laws and submit them to the electorate for approval.

These three provisions were heralded by reformers at the time for allowing the people to bypass a corrupt Legislature controlled by special interests. Today, the referendum, recall and initiative allow the people to bypass a Legislature that is unwilling, incapable or afraid to tackle issues that demand tough action. (Former Governor Ronald Reagan used the initiative to bring his unsuccessful tax-limitation proposal to the voters, and Attorney General Evelle Younger backed a successful initiative two years ago to re-instate the death penalty. Neither issue had been successfully acted upon by the Legislature.)

People's Lobby was created to use the 1911 reforms, the reforms that, as Koupal says, allow "government to be run by the people."

Getting involved

But it was not until the mid-1960s that Ed Koupal had any interest in these reforms, let alone running the government. After getting out of the Army in the late 1940s, Koupal returned to his native Sacramento, where he dabbled in a variety of work — most of which involved some sort of public relations and selling. He had studied music in Chicago and at the Julliard School of Music in New York instead of going to college, but ended up owning a bar, then a bakery in Sacramento and, finally, working in a used-car lot in suburban Roseville. Selling used cars intrigued Koupal; it also gave him a comfortable income — $30,000 a year by the early 1960s. In those days, he remembers, politics bored and confused him. All he wanted to do at night was sit in his $80,000 house on Folsom Lake and drink beer. But a neighbor, a man he identifies as a "John Bircher", kept complaining about how some residents in their lake-front community had been legally exempted from paying their share of a common property tax. Koupal said it took awhile, but he finally got interested.

'Recall Reagan'

This typical taxpayer's complaint was just the beginning for the Koupals. From there, they successfully defeated a bond issue election in a sewer district in Placer County. (A simultaneous effort to recall all five members of the sewer district's board was defeated.) That done, they unsuccessfully took on the newly elected Governor Reagan.

The Koupals' two-person drive to recall Reagan in 1967 taught them a lot. First, they learned to avoid recall efforts. " 'Recall' is a strange word," Koupal said. "People don't really know what it means. With Reagan, people thought we wanted to bring him *back*." The second, and probably more significant, lesson the Koupals learned was to master procedures needed to qualify their proposals for the ballot *before* going out on street corners to collect signatures on their petitions. "We had the public relations and the positive attitude down pat for the Recall Reagan fight," Koupal remembers. "We just didn't know the bureaucratic machinations: how to verify signatures, where to file petitions, and that we should be getting only signatures registered in the county where the petition was circulating."

After failing to gather enough signatures to qualify their Recall Reagan petition for the ballot, the Koupals moved to Los Angeles which, by its size and population, offered the best base for political movement. "When we got to LA, we saw the smog and decided to fight it," Koupal says. "But because of the Recall Reagan drive, we were considered dirty, and no established organization wanted to work with us. That's when we decided to form our own group and do our own thing."

Clean-air initiative

From 1969 to 1972, the Koupals (and by now a few hangers-on) fought smog with the initiative. There were two unsuccessful attempts at getting enough signatures to place on the ballot a strongly worded anti-pollution initiative that would have shut down some heavy industrial polluters during smog alerts. Koupal, with the public-relations specialist's penchant for accentuating the positive and sliding around the negative, doesn't talk much about this period. What he does talk about is the successful third attempt, in 1972, to qualify the "clean-air" initiative, the time when just 28 people got the necessary 300,000 or so signatures. "We had a telephone network system, and each night all of the signature-gatherers up and down the state would call into headquarters to report how many signatures they got that day," Koupal said. "If they didn't get very many they'd be embarrassed by what the others said, so everyone worked hard to get as many as they could."

Convincing the electorate to vote for the Koupals' first Proposition 9, the Clean Air Act of 1972, however, didn't lend itself to Koupal's "one, two, sign here" system of signature-gathering. And matters were made no easier when industry, including standard oil, decided to back an attack on the initiative through the public-relations firm of Whitaker and Baxter. The initiative was defeated by a margin of 2 to 1.

Again the Koupals learned something from their de-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

feat. They learned, as Koupal says, that "money talks". "Do you think for one moment that Standard Oil gives money to campaigns because they dig democracy?" Koupal recently asked a class of evening students at a Sacramento junior college. "For Standard Oil, democracy is spelled p-r-o-f-i-t. And they will do what they can to give money to those candidates and those issues which will protect that profit."

Proposition 9

Being beaten by Standard Oil's money, as Koupal implies he was on the clean-air initiative, certainly appears to have pushed People's Lobby towards another initiative, this time a fight for campaign reform. The success last June of Proposition 9, the Political Reform Act of 1974, was not entirely due to the People's Lobby — a fact that Koupal does not always remember to point out. Joining in the work of drafting the initiative and selling it to the voters were Edmund G. Brown Jr., then secretary of state, and Common Cause, the nationwide political reform organization (which had recently succeeded in winning enactment of a similar act in Washington State).

Brown's representative to this troika was Dan Lowenstein, a former deputy secretary of state and, since January, chairman of the Fair Political Practices Commission, which was created by Proposition 9 to police the measure's many provisions. Lowenstein was largely responsible for drafting the new law, along with Common Cause's legal advisers and the Koupals. People's Lobby and Common Cause were charged with getting it onto the ballot, and People's Lobby deserves credit for the bulk of the signature-gathering.

The working relationship between People's Lobby and Common Cause highlighted differences between the groups. It also gave the Koupals a chance to test and affirm the philosophy and tactics they had given to their organization. One major difference is membership.

- Common Cause has more than 300,000 members nationwide, whose participation rarely goes beyond paying annual dues of $15. The strength of Common Cause comes from its large membership and the $5 million or so annual operating budget it provides. And its membership, which draws mostly from upper- middle class, liberal professionals, gives Common Cause no small amount of respectability.
- People's Lobby, on the other hand, has neither the members nor the budget of Common Cause — and certainly not its respectability. While People's Lobby has started a half-hearted membership drive, it is neither dependent on its membership nor in need of more members. ("People want to do things, but we really don't have things for people to do," Koupal said. "We don't let our members think they are participating in the political process by paying $15 a year dues and then licking, stuffing and addressing envelopes. We have machinery for that. We'll try to get new members, but only because we need the money. We can do our work well, what we ourselves decide to do, with the two dozen dedicated people we have.")

Ed Koupal Joyce Koupal

The "dedication" of People's Lobby has not gone unnoticed by people who have had occasion to deal with the Koupals and their volunteers, though they may sometimes describe it more pithily (as in the words of one observer who called it "obnoxious, aggressive and crude"). Koupal concedes, not without pride, that his Lobby is "loud, noisy and hard to deal with." But, he adds, with equal pride, it can afford to be that way because, unlike Common Cause, it doesn't have to win legislators' goodwill. "We can deliver and do our thing by going to the people with the initiative if the legislators won't respond to us," he observed. "In five months we can do more than the Legislature does in a double session."

Potomac fever

Having tasted success in California, the Koupals are now taking aim on a national goal: to have the initiative process written into the United States Constitution. The type-setting machinery, darkroom, printing presses and book-binders at the Lobby's Los Angeles headquarters are already turning out material to be used in the projected 1976 national campaign. This is the same printing equipment that has supported the Lobby's efforts in California.

Koupal is proud of his equipment and what it has enabled him to do. Not only did revenue from non-Lobby printing jobs make up most of its $120,000 budget last year (and provide Koupal with a $900 monthly salary); the presses also enabled the Lobby to flood the news media with waves of inexpensive and eye-catching press releases. "We do our own printing not only because it's cheaper and fast, but because we can make a better impression," Koupal said, apparently not intent on the possible pun. "Our presses can print two colors — red and blue — so when news people get our material it stands out from the rest. We're out to catch the eye of the paper people. We have to use trick forms."

Koupals' fascination with his printing plant obviously goes beyond its immediate political significance to plain pride in the product he's selling. As we came to the last stop on a recent tour of Lobby headquarters, the garage-turned-printshop, Koupal explained the purpose of each of the four presses there: "On this one, we print the small stuff. On this one, we can print on legal-size paper. On this third one, we can run off thousands per hour. And on this last one, we do the posters that say, 'SIGN HERE'."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEWSBRIEFS

Unemployment tops December total with 921,200 jobless

There were at least 921,200 unemployed Californians in January, the Employment Development Department announced. That reflected an unemployment rate of 9.3 percent, up from December's rate of 9 percent. "This situation, caused by the economic downturn, is absolutely unacceptable," said EDD's new director, James Lorenz. "Government officials at all levels have got to start working to develop programs to get people back to work."

Lorenz pointed out that the unemployment figures reflect a minimal estimate and that at least another 130,000 persons are too discouraged to look for work, which is a requirement for becoming an unemployment statistic. He estimated that California could experience an average unemployment rate of 10.5 percent this year — about 950,000 jobless.

The tide's turning: A bit more bay in San Francisco

The San Francisco Bay Conservation and Development Commission reported that under last year's BCDC permits there will be a net increase of 274 acres in the bay's water area. This would be the first time since California's statehood that the encroachment of development on the bay had been held back. Since 1850, diking and filling reduced the surface area by about one-third, according to BCDC Chairman William D. Evers.

Although the permits authorized a total of 83 acres of bay fill, Evers said, three of the permits required that 357 acres of land be returned to tidal action to mitigate adverse effects of projects on the bay.

Conservative wing dominates GOP state central committee

"The proper home of conservatives is in the Republican Party," declared Paul Haerle, 43-year-old San Francisco attorney and former aide to Governor Ronald Reagan, in winning the chairmanship of the Republican Party of California. Haerle's appeal was aimed at dissatisfied conservative Republicans who have been making sounds of forming a third party of their own, possibly flocking behind the presidential candidacy of Reagan. The former governor was himself at pains during the party's central committee meeting in Sacramento February 8th and 9th, however, to play down such talk. He seemed to agree with Haerle that "a third party simply won't fly — nor should it."

The conservative domination was apparent in the choice as vice chairman of South Pasadena lawyer Mike Montgomery, who describes himself as a conservative Republican, over Rosemary Ferraro of Downey, a moderate. This is a job that, according to GOP tradition, yields the committee's next chairman. Montgomery was pushed by such conservatives as former Lieutenant Governor John Harmer and state Senator H. L. Richardson; Ferraro had the backing of moderates Houston I. Flournoy and Attorney General Evelle J. Younger.

3.5 million nonvoters are dropped from the roles in annual purge

The 36 percent of the electorate that failed to vote last November will have to re-register to cast a ballot again. The purging of voter rolls reduced the electorate from 9,928,364 persons eligible to vote last November to 5,333,259 in January. Of the remaining voters, 56.4 percent are Democrats and 38.3 percent Republicans.

Auditor general hits at tax audits and state's milk pricing

Auditor General Harvey Rose charged last month that the State of California is losing $60 million a year because the Franchise Tax Board lacks the manpower to audit state income tax returns adequately. The blame was laid to the Reagan administration's holddown on increasing personnel generally in state government. "It was the whole environment," the Los Angeles *Times* quoted a board spokesman as saying. "We were told things were tight, so we didn't ask. We were discouraged from asking — all departments were." The result, charged Rose, was a case of the state's being penny-wise, pound-foolish. The cost of additional staff, he explained, would be small in relation to the additional tax revenue that could be generated.

Rose also struck at the Department of Food and Agriculture, charging it with granting an unjustified five-cent a half-gallon increase in the price of milk, producing an overcharge to consumers and excess profits to dairies of some $55 million. Under the California Milk Marketing Program, the department sets minimum milk prices in the state, a practice both Rose and the department agreed should be ended. [See "Coming on strong: state's new auditor general," *CJ*, May 1974.] The department was reviewing Rose's report to the Joint Legislative Audit Committee, which was made public by Chairman Bob Wilson of San Diego.

Runoff March 4th to choose successor to Assemblyman Bee

Alameda County voters narrowed a field of 15 contenders for the Assembly seat of the late Carlos Bee to three last month, and they will choose between the finalists March 4th. The three finalists are Democrat S. Floyd Mori, 35, an economist and mayor of Pleasanton; Republican S. Guy Puccio, 34, a real estate consultant who lost to Bee, a Democrat, last November; and the lone American Independent Party candidate, Lonnie R. Moore, 59, a mechanic. Their vote totals were 5,849 for Mori (17.8 percent) and 4,668 (14.2 percent) for Puccio. Moore got 204 votes.

The 15th Assembly District in southeastern Alameda County has 84,325 registered voters, 51,771 of them Democrats.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Why the Reagan-Brown transition went so smoothly

Despite massive partisan differences, the baton of power was passed from Republican Ronald Reagan to Democrat Edmund G. Brown Jr. smoothly and efficiently. It didn't happen by accident. In the following article, Donald G. Livingston, Reagan's former director of programs and policy and a leader in the outgoing governor's transition team (now corporate secretary for Carter Hawley Hale Stores, Inc.) explains how and why the change of command went as smoothly as it did.

By DONALD G. LIVINGSTON

On January 6th, Inauguration Day for California's "New Spirit" governor, Edmund G. Brown Jr., the team of "Creative Society" Governor Ronald Reagan was swept out of office, right? No. In fact, almost all of the state departments in the executive branch were still headed by Ronald Reagan's directors. How this happened is very simple, but a little more complicated to explain: The transition of power from Governor Reagan to Governor Brown had gone extremely well and continued into the first weeks of the new administration. To long-time Sacramento watchers, the key question had been: How could Ronald Reagan and Jerry Brown and their top staff people agree on anything, much less work together cooperatively?

Cost of transition

The "Gubernatorial Transition Project" actually began in January 1974. At that time, even before anyone had formally filed their candidacy for the June gubernatorial primary, Governor Reagan requested for his successor $125,000 in new state money for transition purposes to be used immediately after the election. This was a unique proposal for California, and it received bipartisan support in the Legislature and wide editorial acceptance. Reagan remembered how difficult it had been for his new administration after the 1966 election. All of the transition expenses — including office space, staff, transportation, mail, telephone — had to be financed from campaign funds, a very unsatisfactory and expensive proposition.

The Reagan idea for transition support was discussed at length by the Legislature, and agreement was reached to provide:

- $125,000 to the new governor from the election until the inaugural.
- $25,000 to the new governor for two months' expenses relating to the transition after assuming office.
- $25,000 to the outgoing governor to assist him for two months to gather his papers and provide historical documentation on his administration.

In addition, the Legislature passed a bill (SB 1984) that required the staff of the Department of Finance to report to the new governor immediately after the election and assist in developing the new administration's first budget.

During the summer and fall of 1974, preparations were made, under the direct supervision of Reagan's executive assistant, Edwin Meese, to develop briefing outlines, supporting material, statutory references and historical documentation for each of the departments of the executive branch, and of the governor's office itself. By election day, "briefing books" had been prepared by each agency secretary, department head and the Governor's senior staff. These books described the organization, identified key positions, spelled out the methods of operations, outlined programs and statutory responsibilities and authority, indicated types and level of program funding and budget process, pointed out significant issues and work in process, and described staffing capacities and available physical facilities and research materials.

The process starts

A week before the election, telegrams went to all candidates for governor, inviting the winner to join Reagan and his top staff people for a meeting on the Thursday following the election. Governor-elect Brown accepted the invitation and, to the accompaniment of the entire Capitol Press Corps, Governors Reagan and Brown began the formal transition process. The initial meeting lasted more than 3½ hours. Part of the first meeting included lunch in the Governor's office, with a light-hearted "two hamburgers and a Coke" reminiscent of the Governor-elect's well-publicized suggestion that such a bill-of-fare was

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

enough for business lunches between lobbyists and public officials.

The initial meeting set the stage for the formal transition process. This included further meetings between the two Governors, meetings between Governor-elect Brown and each of the members of the Reagan cabinet, meetings between Meese and his successor, Gray Davis, who headed Governor-elect Brown's transition team and was named in late December to serve as his executive assistant.

The Brown transition team set out to accomplish at least three objectives:

- Analyze each department of state government and recommend to the Governor-elect appropriate policy changes.
- Organize a program to recruit the best possible candidates for appointment to administration jobs.
- Assume control of the preparation of the state budget for fiscal year 1975-76, which by law had to be presented to the Legislature by January 10th, 1975.

While some additional tasks were performed (including establishing initial liaison with legislators), the emphasis was clearly on preparation of the budget, recruiting applicants for state jobs, and analyzing the performances of existing departments of state government.

The transition plan, formulated chiefly by Governor-elect Brown and Gray Davis, was devised so that the three principal tasks were related. (For example, the analysis of the performance of the Department of Health would assist Governor-elect Brown in the preparation of the budget for that department, and the knowledge gained by the Governor-elect from working on the budget enabled him to give more specific instructions to his personnel-recruiting team.)

The transition process was misunderstood by some. It was designed to explain how and why certain things operate in state government, and it was up to the new administration to decide *later* whether things should change and to effect those changes. The Reagan administration continued to run state government until the new administration took over; on the few occasions when someone on the Brown team instructed Reagan staff not to take certain actions, a phone call to Davis or Brown quickly set matters right. The Reagan people wanted to be cooperative with the new Governor's team, but they still worked for the Reagan administration and had an obligation to carry out their policies until the changeover.

Keys to success

Because Governor Brown chose to take over the responsibility for the 1975-76 budget, he was immersed in the budget-making process for most of the transition period. Therefore, some transition briefings and many decisions on appointments were postponed until the last two weeks in December. This is one significant reason why so many Reagan directors were still on the job on January 6th, and even much later. This willingness to ask the incumbents to stay on is a credit to both Reagan and Brown — as well as to the directors themselves.

The transition worked well because of several factors:

- The two Governors set a high tone for the transition.
- Mutual respect and trust quickly developed between the two transition teams.
- Transition between a retiring governor and a new governor would most assuredly be smoother than between a defeated re-election candidate and the victor.
- The task of change-over is too important to permit partisanship and rancor to intrude.

The events of January 21, 1975, probably best reflect the quality of the transition. On that day, former Governor Reagan returned to Sacramento officially for the last time to participate in the public unveiling of the portrait of him that hangs in the Capitol. Governor Brown attended the ceremonies, and before the assembled group publicly commended Governor Reagan and his staff for the transition effort, which he said got his administration off to a "running start". And in a jovial reminder of a prime controversy between the two men — the new executive residence under construction in suburban Carmichael — Brown stated: "Governor Reagan, you are welcome back to the Capitol any time. In fact, there will always be a home for you in Sacramento."

NEWSMAKERS

Reinecke and the lure of the Senate

Former Lieutenant Governor **Ed Reinecke** revealed to friends during the Republican State Convention in Sacramento last month that he will seek the Republican nomination for United States Senator in 1976 if he is successful in his attempt to overturn his bribery conviction .... Republican Representative **Jerry Pettis** of San Bernardino County was killed February 14th when the light plane he was piloting crashed into the San Bernardino mountains. Pettis, 58, was a member of the House Ways and Means Committee.

Jerry Pettis

The new state director of corrections, **Jerry Enemoto,** made a series of major administrative changes in the department. In a key move, **Robert Rees** was made warden of San Quentin Prison, succeeding **Kenneth Britt,** who was shifted to the Sierra Conservation Center in Tuolumne County .... Three California Democratic congressmen won important subcommittee chairmanships as part of the anti-seniority revolt in the house. **John Moss** of Sacramento now heads the Commerce Committee's investigations subcommittee; **Lionel Van Deerlin** of San Diego succeeded Moss as head of Commerce's subcommittee on consumer protection and finance; **Thomas M. Rees** of Los Angeles took over the Banking Committee's subcommittee on international trade, investment and monetary policy ....

Former Democratic Attorney General **Robert W. Kenney** retired from the Los Angeles County Superior Court bench at the age of 73 .... A San Diego judge ruled that police had acted illegally in spying on a department store men's room, and freed former Republican state chairman **Gaylord Parkinson** and 12 others of sex perversion charges .... **Earl Reeves,** jovial operator of the shoeshine and newspaper stand in the state Capitol, died at 55.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LOGGERS' LAMENT

Is the Sierra Club running the resources agency?

The Brown administration hadn't even been in office a month when a thousand angry loggers from the north coast rumbled into Sacramento in their rigs to demand a relaxation of environmental controls on the depressed logging industry. The hard-hatters carried signs reading: "Brown has put a weasel in the chicken coop," and "How long 'til tax dollars support Sierra Club?" The object of the loggers' disaffection was not so much the administration's environmental policies as its newly named head of the Resources Agency, Claire T. Dedrick.

In conservationists' most optimistic dreams, they never could have expected Governor Edmund G. Brown Jr. to appoint someone like Dedrick as secretary of resources. Dedrick was the first vice president of the conservationist Sierra Club, a prime mover in the campaign that led to formation of the coastline conservation commissions, and an experienced campaigner in legislative races aimed at defeating the very kind of pro-developer candidates the loggers would like to see in office. And the administration indicated no willingness to temper Dedrick's appointment with the naming of her chief deputy, who turned out to be Larry Moss, a top staffer for the Sierra Club.

The loggers were demanding that the state appeal a Humboldt County court decision putting timber-cutting operations under the California Environmental Quality Act as well as state forestry regulations. Dedrick had attempted to placate the lumber industry by issuing orders to accelerate the handling of harvesting applications and to bring state procedures into line with the court ruling. But the loggers were still screaming for her scalp. Dedrick said after the rally that she had managed to get past the rhetoric and find some reasonable spokesmen for the industry; she planned to meet with them and work out a solution to the basic problem of too much red tape in processing applications.

One-two punch

Claire Dedrick has fought her way through many a tough political battle and helped win significant environmental victories in the face of tremendous opposition. She is hardly the sort of person who would buckle, even in the face of a thousand screaming hard-hatters. Nor does it appear that the development-oriented interests, even in time of economic recession, will find much solace from the other half of the Brown administration's environmental dynamic duo, former Brown campaign manager Tom Quinn. Under a proposed reorganization, Quinn will head a new agency combining the operations of the Air Resources, Water Resources Control, and Solid Waste Management boards. Based on Quinn's words so far, he has no intention of weakening the regulatory powers of the three boards. In fact, the administration intends to sponsor legislation designed to make the Air Resources and Solid Waste Management boards more effective.

On the surface, it may appear that Brown is creating a two-headed environmental monster, setting the stage for a power struggle between Quinn and Dedrick or their successors. But neither Quinn nor Dedrick see any such problem. Quinn, who is relatively new to the environmental battle, explained that he will be heading an agency that basically performs regulatory functions — telling private industry and governmental agencies what they can or cannot do — with relatively small operational divisions. Dedrick, on the other hand, will run departments that are basically operational in nature and issue regulations as a secondary function.

Reorganization coming

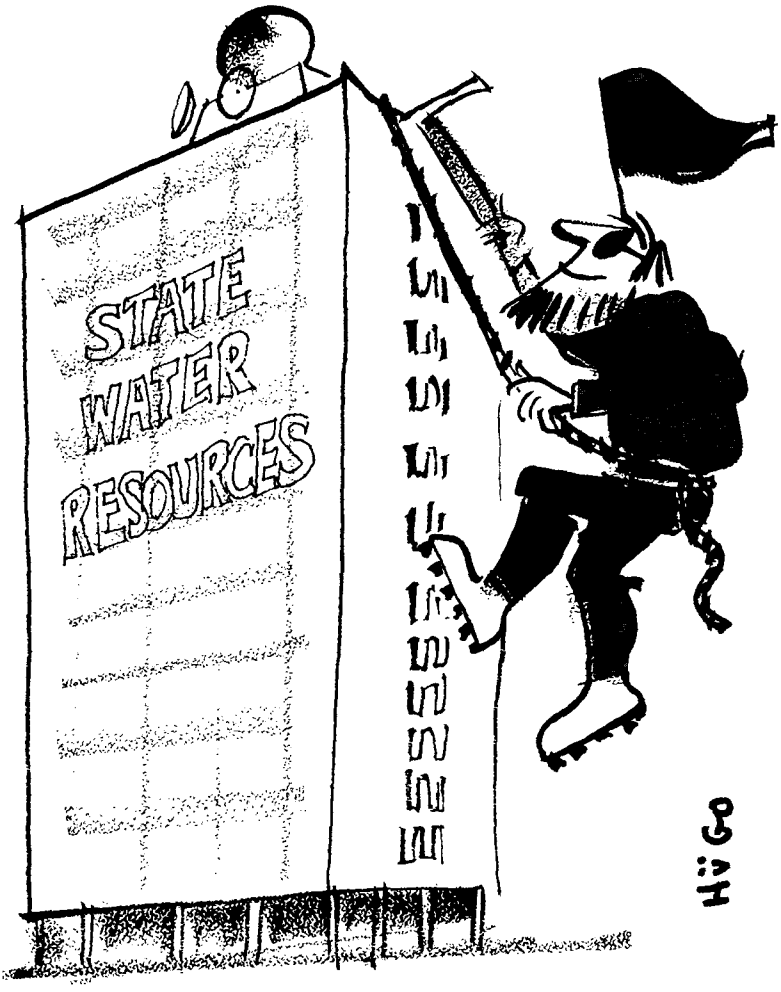
Under a new reorganization-control act authored by Senator Alfred Alquist of San Jose and enacted last year, the state's Little Hoover Commission will have at least 30 days to study the plans for Quinn's agency before returning it to Brown. At this point, Brown can withdraw it, amend it in accordance with recommendations from the commission, or submit it to the Legislature as originally drafted. The plan would go into effect within 60 days after submission unless rejected by either the Senate or the Assembly. These will be the key elements of the plan, as outlined by Quinn:

- The Air Resources Board would be abolished. In its place would be a department headed by a director empowered to issue regulations (following notification and hearing) affecting sources of air pollution. The director would be answerable to Quinn and the Governor, putting the responsibility for the effectiveness of curbing smog squarely on the Governor's shoulders. (This procedure is already used by other state quasi-regulatory departments, such as the Department of Agriculture in the field of pesticides.)
- The Water Resources Control Board would be taken out of the Resources Agency and placed under Quinn with little change in structure. (This is because Quinn feels that this is the one state environmental control agency that has done an effective job.)
- The Solid Waste Management Board would be reorganized as a department. Since this board has had very limited powers, additional legislation would be needed to provide it with regulatory "juice".)

Quinn would like to do much more, but the law prohibits a governor from using a reorganization plan to increase the powers of any element of government.

Pending approval of this plan, Quinn has been spending most of his time trying to straighten out the Air Resources Board (which he chairs). The ARB has fallen into disrepute generally because of its failure to produce a significant reduction in the smog level throughout the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



state, and specifically, because of its off-again, on-again handling of the regulation on installing smog-control devices on used cars.

Search for directors

Dedrick, it may appear, has been spending all of her time tangling with angry loggers. Such has hardly been the case. Her biggest headache has been the cleanup of an administrative mess within the strife-torn Department of Conservation, which just happens to be the home of the Division of Forestry. Not many months ago, there was an open conflict between then-State Forester Lewis Moran, who had been demoted by his boss, the conservation director Ray Hunter. [See "Which chief should run the Division of Forestry?", *CJ,* August 1974.] Under Dedrick, Moran has been elevated to his old boss' top job, and Dedrick hopes this will help bring some efficiency, order and morale to the department. She reports that the loggers were justified in complaining that timber-cutting applications were being delayed for an undue length of time within the bowels of the agency.

Another of Dedrick's main concerns has been to find permanent directors for the five major departments under her control — Fish and Game, Conservation, Parks and Recreation, Water Resources, and Navigation and Ocean Development. She came to the agency expecting conflict with such men as Charles Fullerton in Fish and Game and John Teerink in Water Resources. But instead of conflict she has found cooperation and a willingness, shared by much of the civil-service force within the agency, to carry out the administration's policies. This has been true, she said, even in cases where her views conflict with those held by former Governor Ronald Reagan and his resources secretary, Norman Livermore.

Looking ahead

What lies ahead for these departments? In the case of Conservation, there is relatively little in philosophy that will change; but Dedrick is determined to clean up the bureaucratic mess. The other four:

Fish and Game. Dedrick, who holds a Ph.D. in microbiology, has been impressed with the talent in the department, but she is attempting to break the traditional strong tie between the department and hunters. Instead, she wants the department to work on the preservation of wildlife habitat for all species, whether or not the animals are fodder for the sportsman's cannon. She recognizes, however, that hunters now subsidize the general public by paying for virtually all the operations of the department (even those with no direct connection with hunting and fishing); this means that a general-fund appropriation for the department will undoubtedly be sought.

Parks and Recreation. Although the department's director under Reagan, William Penn Mott Jr., was an old ally of Dedrick in the fight to preserve San Francisco Bay, the new agency chief is looking for a replacement. She wants to point the agency away from the creation and development of parks in the beautiful but remote corners of the state, and, instead, emphasize urban parks as part of a campaign to divorce the California lifestyle from the automobile.

Navigation and Ocean Development. Dedrick envisions a much larger role for this department in protecting the coastline and coastal resources. In the past, perhaps the department's main function was to allocate funds for city and county fishing piers and similar facilities.

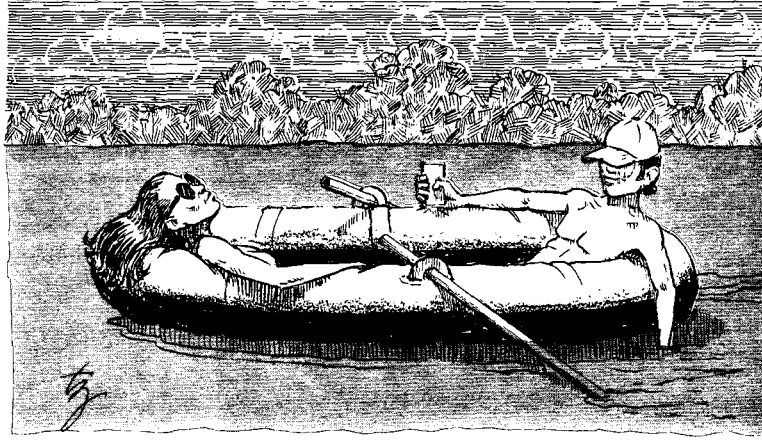
Water Resources. The Reagan administration appeared hell-bent on constructing the peripheral canal to carry Northern California water around the Sacramento-San Joaquin delta on its way to Southern California. Dedrick said that she has an open mind on the canal, but wants the state to stop looking at it as a separate entity. She would prefer to have a blue-ribbon commission, balanced between environmentalists and what she calls "the water industry", make a detailed examination of the state's future water needs. This commission would attempt to draw a master plan for water development covering all rivers in the state. It is possible, she said, that some solution will be found to meet Southern California needs without the canal, which some claim will endanger the San Francisco Bay-San Joaquin Delta during dry years by providing too little fresh water to keep salt water from intruding. Dedrick, who resides at the south end of San Francisco Bay, is especially aware of the threat of stagnation there. Whatever the outcome, the department will become less development oriented under Dedrick's supervision.

From Dedrick's open stand on the canal — contrary to the fierce opposition that might have been expected — it is clear that her strong ecological orientation is tempered by experience gained on the political battlefield. From the loggers' view, there may well be a weasel in the chicken coop. But the predator is not about to devour all the hens at the first sitting.

ED SALZMAN

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Northern ecology and Southern thirst



Assume that California is afflicted with a series of dry years and that the flow of water in northern rivers is insufficient to both protect the environment of the Sacramento-San Joaquin delta and meet delivery contracts in Southern California via the state Water Project. How would the available water supply be divided? The State Water Resources Control Board in 1971 handed down a highly controversial interim decision requiring that water stored in the north by both the state and federal governments be used to enhance fish and wildlife habitat in the north when river flows drop below certain specified levels. With the advent of the new state administration, what are the prospects for a change of position on the crucial water-rights issue?

The era of polite warfare between the Department of Water Resources and the Water Resources Control Board is probably at an end. From all indications, the new Brown administration leans heavily toward the environmentalist view of the control board on the pivotal issue of enhancing the Sacramento-San Joaquin delta and will bring the department, which operates the massive state Water Project, into line. That does not mean that the battle over Northern water is over, however. The tricky question of whether the peripheral canal around the Sacramento-San Joaquin delta should be built remains to be decided. And there are at least two threats to the power of the Water Resources Control Board:

- Water-users tried last year (and may try again) to strip the board of some of its most important powers through the enactment of legislation.
- The board still faces a court challenge to its controversial delta decision, which requires even the federal government to release stored water in order to fight salt-water intrusion into the delta.

The prime purpose of the Water Project was to provide surplus northern water to parched Southern California. But the North was supposed to have been given guarantees that enough water would be left to preserve the environment. The Power-Cologne Act carried out that promise by empowering the board to require water releases sufficient to protect and even enhance the downstream environment. This prompted the board's decision on the delta in 1971 and, ever since, the board has been under tremendous pressure to water down its stand. The federal Bureau of Reclamation is challenging the right of a state board to control releases from a federal dam, and this is the key issue to be resolved by the courts.

Court challenge remains

A formidable threat to the board's power was posed last year by legislation introduced by Senator Howard Way of Tulare County and Assemblyman Ken MacDonald of Ventura County. Their bills, neither of which passed, would have limited the board's authority to enact water-quality control plans and would have required that such plans be approved by the Legislature. Way's measure provided that, before releases could be made for environmental preservation and enhancement, the board would first have to establish the cost of the releases and provide funds to pay for them. In effect, the bills would have rendered the board almost powerless.

The water-users, especially San Joaquin Valley irrigation interests and the Metropolitan Water District of Southern California, maintain that it would be unfair to have the water contractors pay for environmental enhancement. They have been supported generally by the Department of Water Resources, which claimed that delta interests have already received great benefits from Northern dams and that they should pay for any further enhancement for fish, wildlife and recreation.

Crucial issue

In opposition to the Way and MacDonald bills, the board's chairman, Win Adams, emphasized that the proposals "would place the present and future generations who own the state's water resources at the mercy of an applicant to appropriate water." The board emphasized that its delta decision is temporary and that hearings will be reopened in 1978. Meanwhile, studies are being conducted so that permanent environmental and water-quality standards can be established for the delta. Water-users hope that the board itself will adopt less stringent dry-year requirements for the delta. But Ron Robie, veteran member of the board, said the easing may not be as great as the water-users are seeking. Thus, the board's biggest remaining threats stem from the court challenges brought by both the federal government and a group of California water agencies regarding the delta decision.

Federal water projects soak up nearly two-thirds of the water stored in the state. The Bureau of Reclamation contends that it is free from state regulation and that federally authorized projects are not subject to a state board's rulings. A stay order has been in effect while the cases are pending, and it may take several years before the central issue is resolved — presumably on appeal to the United States Supreme Court.

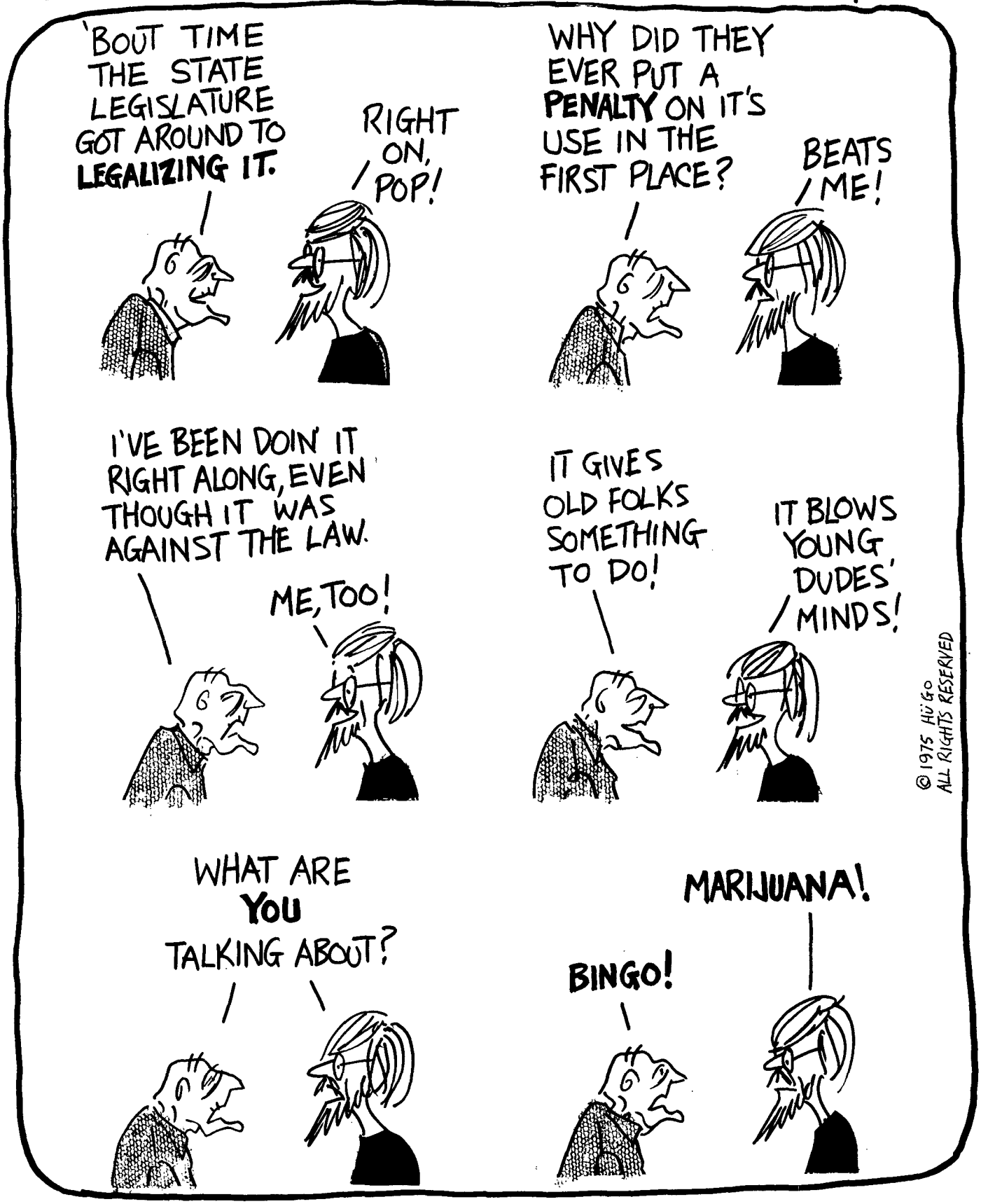
A basic tenet of the board's philosophy has been that water for export must be truly surplus to an area. Governor Edmund G. Brown Jr. took the same view during the campaign with his opposition to the New Melones high dam on the Stanislaus River. By statement and appointment, Brown has shown a strong bias toward environmentalists in their conflicts with labor and developers, and his appointees to the board will likely reflect this. Brown will also likely bring the Department of Water Resources into line and halt the conflict between the two water agencies. But courtroom battles lie ahead, and it is in this arena that the most critical of the water battles between North and South will eventually be fought.

Research for this article was contributed by Brian Dutra, a Journal *intern attending the University of California at Davis.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Caucus

by HüGo


'BOUT TIME THE STATE LEGISLATURE GOT AROUND TO LEGALIZING IT.
RIGHT ON, POP!
WHY DID THEY EVER PUT A PENALTY ON IT'S USE IN THE FIRST PLACE?
BEATS ME!
I'VE BEEN DOIN' IT RIGHT ALONG, EVEN THOUGH IT WAS AGAINST THE LAW.
ME, TOO!
IT GIVES OLD FOLKS SOMETHING TO DO!
IT BLOWS YOUNG DUDES' MINDS!
© 1975 HüGo ALL RIGHTS RESERVED
WHAT ARE YOU TALKING ABOUT?
MARIJUANA!
BINGO!

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

UNLESS 'REFORM' IS REFORMED

The incredibly complex ballot facing Democrats in June '76

By JULIE THOMPSON

California Democrats will face a new and highly confusing method of expressing their presidential preference at the June 1976 state primary election. For the first time, the names of all recognized candidates will be listed on the ballot, but that's the easy part — the so-called presidential preference section of the ballot. The second section will be much more important because it will decide which delegates pledged to which candidates will go to the party's national convention.

In the past, California Democrats (and Republicans) voted as a bloc for one presidential candidate and his or her slate of delegates. The winner won all of the state's votes in the first ballot at the convention. In 1976, it is conceivable that the winner of the popularity contest will not command even a majority of the state's delegates. Under the Alquist Open Presidential Primary Act (SB 116) enacted last year, three-quarters of the delegates to the convention will be elected directly by the voters within each of the state's 43 congressional districts. For example, if a district is allocated five delegate seats, the five delegate candidates receiving the most votes will go to the convention. And those five delegates could be pledged to five different presidential candidates (although that is not a likely outcome since the delegate candidates' names will appear on the ballot in slates).

The result will be to shift the political action to the congressional district level from the statewide popularity vote for the presidential candidates themselves.

The remaining 25 percent of the delegates and all of the alternates will be appointed after the primary by a convention of the newly elected delegates. And these appointees must reflect the same proportional division as the directly elected delegates. The presidential preference vote plays no role in the apportionment of these seats, either; if half the delegates elected in the congressional districts are pledged to Candidate Jones, then half the remaining delegates and alternates must also be pledged to Jones.

Thus, a candidate can concentrate his or her efforts in target congressional districts and win a major portion of the state's delegates even though doing relatively poorly in the statewide preferential contest.

The author wrote "Reagan and the welfare monster" in the December issue.

Republican differences

The Republican Party is also required, under Proposition 4 of June 1972, to hold an open presidential primary in which all candidates are placed on the ballot (unless the individuals certify to the secretary of state that they are not candidates). But the GOP has not yet implemented this open-primary measure. The probable vehicle for change is AB 427 by Assemblyman Frank Murphy, Republican caucus chairman, and it would leave the winner-take-all system virtually intact. This measure would give California Republicans an even more simplified ballot because slates of delegates would be eliminated. Candidates' names would be placed on the ballot either by the secretary of state or by petition. The winning candidate could file his list of delegates with the secretary of state 30 days before the election, or even after the primary.

The big difference for Republicans is that it will become harder for a Republican governor or other party leader to remain a favorite-son candidate and still control the slate, as Ronald Reagan did in 1972.

Proposition 4 was only the first step in the reformation of the Democratic primary ballot. The second step was abolition of the winner-take-all primary by the national Democratic Party. The final step was the delegate-selection mechanism set out in the bill, which probably would have the effect of preventing a man like Governor George Wallace of Alabama from capturing many California delegates even though he might finish fairly high in the popularity contest.

Democrats' rules

Senator Alfred Alquist of San Jose, author of the new primary plan, has long advocated open primaries for both parties such as have been held in Oregon for some time. Alquist tried repeatedly to get the plan adopted by legislation only to face vetoes by Reagan. He then went to the voters with Proposition 4.

The open-primary provision works this way for Demo-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

crats: The secretary of state has sole discretion to put on the ballot the name of every candidate recognized as such by the news media. A candidate can also win a place on the ballot by collecting the signatures of 1 percent of the state's registered Democrats on petitions. (As for Republicans, a politician can withdraw by declaring that he or she is not a candidate.)

The Alquist bill, enacted last year, began as a proposal for proportional representation — with each candidate getting at least 10 percent of the vote receiving a pro-rata share of the delegation. But the measure was sidetracked from June 1973 until March 1974 by Assemblyman (now Representative) John Burton to allow the new Democratic National Committee rules to be incorporated in the legislation. These rules eliminated winner-take-all primaries and required that, if a state elects delegates, at least 75 percent of its delegates must be elected from areas no larger than a congressional district. The intent was to assure representation equal to a candidate's popular support. The bill's final language conforms to the national rules but circumvents the intent. (Assemblyman Willie Brown put it baldly: "The law is a phony. It pretends to comply but does not.") This is because a mini-primary takes place in every congressional district. If the leading candidate is only a few votes ahead of the nearest opponent and voters back delegates pledged to candidates of their choice, the leader should win all the delegates from that district.

For example, the vote for three delegate groups could be 38 percent, 37 percent and 25 percent, but presumably only those delegates in the 38 percent group would go to the convention. Thus, a George Wallace might get 25 percent of the vote in quite a few districts and yet capture no delegates. The intent of the National Committee directive was to give such a candidate a quarter of the delegates.

No one can forecast how the public will react to the new ballot, but if electors decide to split their vote between slates of delegates, name identification may be important. This is another area in which a George Wallace could have difficulty.

Opponents emerge

Los Angeles attorney and Democratic National Committeeman Marvin Shapiro was the technician requested by Assembly Democrats to come up with language in SB 116 that would satisfy the national requirements and also stall a non-establishment campaign by Wallace. At this point, Assemblyman (now Representative) Henry Waxman became the prime salesman for the new version of the bill, which was approved by the Assembly in August 1974 and then signed into law. (There is a tradition that bills affecting only one party

are automatically given the green light by members of the other party.)

The Shapiro plan could have the effect of preventing the splintering of the state's delegation and thus helping to prevent a deadlocked convention. Shapiro hopes that only one winner will emerge from the primary and that California Democrats will have a winner - take - *almost* - all system instead of the former winner-take-all plan.

Primaries have traditionally been undemocratic affairs with large minorities disenfranchised because each party sought to reach a consensus on a few leading candidates before the national convention. The alternative is a splintering between many candidates, with the nomination eventually being decided behind closed doors by a few power brokers.

Opponents of the reforms — and they are starting to proliferate — argue that grass-roots participation will be stymied by a lack of local caucuses to select delegates. In 1972, these caucuses produced a delegation with unprecedented numbers of youths, women and minorities — the largely inexperienced bunch so dramatically challenged on the convention floor ("Give me back my delegation!" cried Willie Brown before the TV cameras).

Under the new law, the presidential candidate will

Major changes in the Democratic presidential primary

1972	1976
• Candidates decided whether to place their names on the state ballot.	• All recognized candidates will be listed on the ballot by the secretary of state.
• Open caucuses were held in each congressional district to elect delegate candidates.	• Each candidate's state steering committee of five will select delegate candidates.
• The same vote was used for the presidential candidate and a list of delegates. The statewide winner took the entire slate.	• Delegates will be elected individually by congressional district. The vote for presidential candidate will be separate and advisory only.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

OFFICIAL DEMOCRATIC PRESIDENTIAL PREFERENCE BALLOT
FIFTY-SEVENTH ASSEMBLY DISTRICT

June 8, 1976

To express your preference for a candidate for nomination for President, stamp a cross (+) in the square opposite the name of the candidate. Your vote in this portion of the ballot is advisory only. Delegates to the Democratic National Convention will be elected in the delegate selection portion of the ballot which lists the candidates for delegates in your congressional district.

PREFERENCE FOR PRESIDENTIAL NOMINEE	Vote for one candidate only
MARY ADAMS	
JOE BLACK	
JOHN P. MONROE	

OFFICIAL DEMOCRATIC PRESIDENTIAL DELEGATE SELECTION PRIMARY BALLOT — CONGRESSIONAL DISTRICT

To vote for candidates for delegate to the national convention of the Democratic Party, stamp a cross (+) in the square opposite the name of the candidate for delegate.

You are not required to cast all of your votes for candidates pledged to the same presidential candidate. You may distribute your votes among individual candidates for delegates pledged to different presidential candidates or you may cast all your votes for candidates pledged to the same presidential candidate.

Vote for 5 Delegates

Candidates Pledged to Mary Adams		Candidates Pledged to Joe Black		Unpledged Delegation Frank Smith, Chairman	
Delegates	Vote	Delegates	Vote	Delegates	Vote
1. Name		1. Name		1. Name	
2. Name		2. Name		2. Name	
3. Name		3. Name		3. Name	
4. Name		4. Name		4. Name	
5. Name		5. Name		5. Name	

choose a five-member steering committee to select the names of delegate candidates to appear on the ballot pledged to that candidate. (An uncommitted delegation may be formed through the petition process.) The steering committee may be ordered by the candidate to hold open caucuses for delegate selection, but there is concern that this option will not be taken and that "old guard" politicians will be appointed as candidates. Measured by the opposition received by Senator Alquist, however, there is no united force within the party against the new law.

Another revision?

A new bill, supplanting SB 116, could be enacted this year, to become effective for the 1976 primary. In fact, Alquist in January introduced a pure proportional-representation measure, based on popular vote. This probably violates the national rules, and proportional representation by district would be difficult because it would be impossible to divide a small number of seats from a congressional district equitably among several candidates. (Assume, for example, that the vote was divided, 30, 28, 25, 17, and that the district was allotted five seats.) A convention primary system would avoid this problem, but it appears unlikely that Californians would be willing to move away from more democratic systems.

Whatever the outcome of the Alquist act, it is clear that the winner-take-all delegate system is gone. The result of the change is extremely complex and almost uncomprehended, even within Democratic circles. The controversy over the new law hasn't even begun, and it may well be superseded before it even goes into effect.

Spread the word . . .

Help the *Journal* grow.

And help your friends who might not have heard of the *Journal* by sending them a free sample copy of the magazine.

Just send us the names and addresses of any Californians you think are potential *Journal* subscribers, and we will send them a copy with your compliments.

Send the names to Subscription Manager, California Journal, 1617 10th St., Sacramento 95814.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

What might have happened under legislative redistricting

By TONY QUINN

Rarely has an issue so titillated the politicians and so bored the general public as reapportionment. For nearly three years — and to the tune of several hundreds of thousands of dollars — California legislators and their staffs pored over maps, computer print-outs, vote patterns and census data in a futile effort to apportion 120 legislative and 43 congressional districts among California's 20 million inhabitants. When they failed to draw an apportionment with sufficient bipartisan support to win passage in a bitterly divided Legislature and the approval of Governor Reagan, the California Supreme Court expropriated the issue and, with the help of three retired judges and a technical staff, drew its own district map and imposed it, for better or for worse, on California's electorate.

For the people of California, the court's plan was probably for the better. While it has its faults, it does not have the highly gerrymandered districts some legislators tried to draw to assure their re-elections. For at least three politicians — Congressman Victor Veysey and Assemblymen Ray Johnson and Joe Gonsalves — it was decidedly for the worse, costing them their seats.

Who won and who lost from the reapportionment battle? Few would deny that reapportionment was the most divisive issue the Legislature has faced in a long while. If most issues are somewhat remote from the legislators' personal lives, reapportionment certainly is not. The matter of drawing district lines decides, in large part, which party or faction will run the Legislature and which will endure minority status.

Effect of reapportionment

Based on the raw results of the 1974 election, one might easily conclude that the Democrats were the big winners in this decade's reapportionment battle. Republicans held five fewer seats in Congress, counted five fewer senators than two years ago, and were numerically at their lowest ebb in the Assembly in this century. But these results are elusive. It was virtually impossible this year for Republicans to have matched their 1972 showing, with Watergate and the economy taking their toll here as elsewhere. Their losses about paralleled GOP losses in the other big states. In five of the seven largest states, Republicans won at least one major statewide race, and usually only one. But in every state — even in Ohio and Michigan, where GOP gubernatorial candidates won — Republicans lost in the legislatures and in congressional races. The pattern was one in which Republicans did a little better than the polls had indicated at the top of the ticket, where many candidates won despite their party, but paid the price of Watergate in congressional and legislative races in which candidates are less well known and people tend more often to vote for party than for personality.

So reapportionment alone can hardly be blamed for the GOP's poor California showing in 1974, and it probably had very little effect, in the final analysis, on either party's fortunes. For all the blood and bluster that accompanied reapportionment, the partisan breakdown in Congress and the Legislature probably would have been about the same had a legislative reapportionment bill been enacted, even one seeking to maximize the number of so-called safe seats.

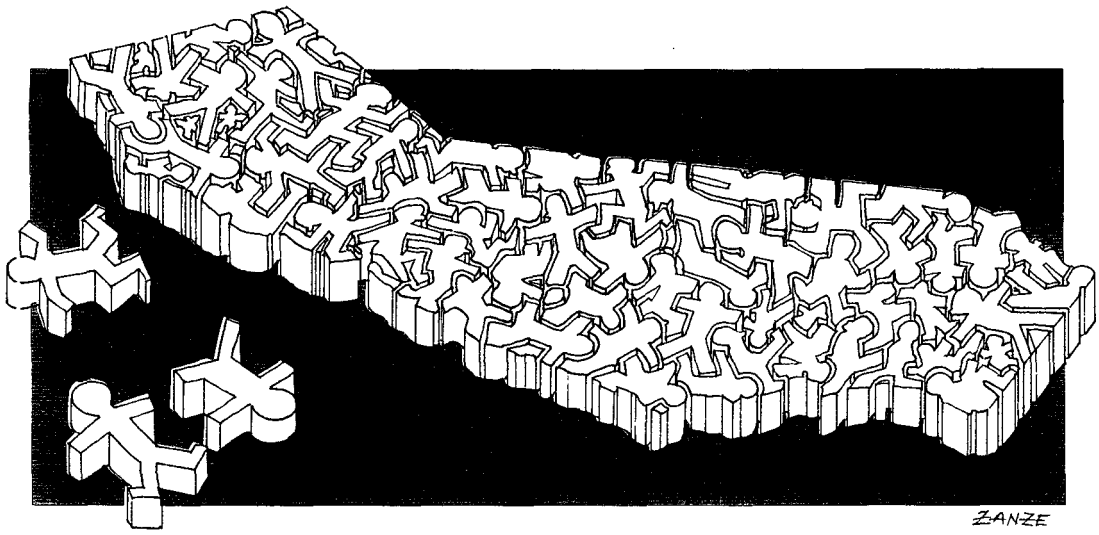
Congressional examples

As an example, look at the congressional races and the five seats Republicans lost. In 1972, when 20 GOP congressmen were returned, the Republicans won 47 percent of the two-party congressional vote; this year, when only 15 seats went Republican, the GOP's two-party total fell to 42 percent. This, as much as any map-drawing, tells the story.

One GOP seat was lost in a special election even before the new reapportionment took effect. Congressman Bob Mathias probably would have kept his seat had the old apportionment been in effect; but his Central Valley neighbor, Bill Ketchum, who won with only 53 percent in an improved seat, probably would have lost. In San Jose, former Democratic Mayor Norman Mineta, who picked up a seat that had been Republican, probably would have won regardless of reapportionment. Congressman Victor Veysey lost his district entirely and had to move to Claremont in an unsuccessful attempt to stay in Congress, but he was edged out in a basically Republican seat by a conservative Democrat. (Much of the area in which Veysey was running had been represented by Congressman Charles Wiggins, who won re-election by only 55 percent in a much better Orange County seat. Wiggins might have gone the way of four other pro-Nixon Republicans on the impeachment committee who lost their seats had he been running in the area he vacated to Veysey.) The safety of Congressman Barry Goldwater's district was enhanced by the court reapportionment, which removed heavily Democratic Oxnard. Otherwise, having won by only 57 percent in 1972, Goldwater might have been a prime Democratic target in 1974. Finally, the loss of the Republican seat in Long Beach, which Craig Hosmer held easily for two decades, resulted from reapportionment combined with the retirement of a popular incumbent. The Republicans

The author is a former member of the Assembly Republican reapportionment staff.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



probably would have held the seat, however, under the old apportionment.

In short, Republicans lost at most one or two seats due to the court's congressional reapportionment, but would have suffered the dismal congressional showing endured by GOP congressmen across the nation anyway.

Effect in Senate

The loss of five state senators is even less the fault of reapportionment, although one Republican senator, Fred Marler of Redding, had his seat cut out from under him. None of the other four Republican losses resulted from reapportionment alone. Two seats were lost in special elections before reapportionment, and the defeat of the two incumbent Republicans, Clark Bradley of San Jose and Craig Biddle of Riverside, stemmed from other factors; Bradley lost by such a wide margin that no reapportionment plan would have saved him, and Biddle's district was little affected politically by reapportionment.

Actually, the Supreme Court probably saved the Republicans from a much worse drubbing, since the court specified that only half the senators would have to run. This saved 12 of the 15 Republicans, including several with shaky districts, from facing an angry electorate in the year of Watergate.

Reapportionment and the Assembly

It is in the Assembly that reapportionment cast the biggest shadow. At the beginning of the reapportionment impasse, in 1971, Democratic leaders offered the 37 members of the Republican caucus a plan they said would guarantee 37 GOP seats. Only about 34 seats would have gone Republican in 1972 under this plan, as it turned out, since the 18-year-old vote and declining Republican totals in the suburbs cut into GOP strength despite the Nixon landslide. And 1974 would have seen the loss of another half dozen or so seats; so the "37-seat" plan would have meant only about 28 seats after this election. In 1973, Democratic leaders, still anxious to enact a reapportionment law, offered the GOP caucus, now shrunk to 28 members, a "33-seat" plan. A case-by-case analysis shows that, were this plan in effect, the Republicans might actually have won fewer seats than the 25 they ended up with.

Republicans lost two safe incumbents due to the court's reapportionment, but they also gained two new safe seats. A third incumbent moved to Orange County, but vacated his seat in Los Angeles to Republican Assemblyman Bob McLennan, who won. Under the legislative plan, neither McLennan nor Republican Paul Bannai, both special-election winners in heavily Democratic areas in 1973, would have had a district offering any hope of electoral success.

Three Republican seats were lost through retirement. Two of these were largely unaffected by reapportionment, but the third, vacated by Assemblyman Bill Bond in Long Beach, probably would have remained Republican since, under the legislative reapportionment, it absorbed prime GOP turf in Orange County. The neighboring district of GOP Assemblyman Bob Burke might well have been lost, however; Burke won by only 1,200 votes in a district strengthened by the court plan. Likewise, Assemblyman Eugene Chappie might have lost his seat under the legislative plan; the court plan strengthened him, though he still won by only 600 votes. Chappie's neighbor, Assemblyman Ray Johnson, lost when thrown into the same district with Assemblywoman Pauline Davis; yet, he had had a close call two years ago and might not have survived even with the better district contained in the legislative plan. Republican Assemblyman Ray Seeley lost a seat improved by the court. Assemblyman Doug Carter ran behind Republican registration in his new district, and would have lost regardless of reapportionment.

Even though the "33-seat" plan was supposed to assure Republicans four "safe" open seats, only two of these would actually have produced Republicans this year. Had the "33-seat" plan been in effect, 24 to 28 GOP assemblymen would likely have been elected.

Playing politics

What all this suggests is that gerrymandering not only distorts the state's representation but also doesn't work. In 1951, Republican map-makers opened the door to gerrymandered legislating by drawing a plan that so masterfully disenfranchised Democrats that the 1952 election produced 56 Republican assemblymen. By the time the Democratic tide of 1958 rolled over California, however, the GOP was down to 34 seats. In the 1962 election, the reapportionment experts of Speaker Jesse Unruh helped the Democrats win a majority just short of two-thirds. Yet, within six years that majority had collapsed and the Republicans held a majority in the Assembly.

Now, after all the partisan politicking that resulted in legislative failure to reapportion the state, the court's non-gerrymandered districts yielded a Democratic majority beyond the party's dreams. And so the great and futile political power struggle to draw new district lines dissolved, as the 1974 elections proved, into much ado about nothing.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

What it takes to float a third party

By BLAKE THOMSON

Even before last November's elections, many conservatives were promoting the idea of a new party for 1976 to be headed by Ronald Reagan with, perhaps, George Wallace as its vice-presidential nominee. Conservative disenchantment with President Ford and his choice as vice president, Nelson Rockefeller, as well as the desire of conservatives to get out from under the shadow of Watergate, were behind the proposal.

While Reagan denies any interest now in a third-party candidacy, he appeared to consider the notion seriously during a press conference October 15th. "I read the polls like you do," he said. "I see the statements of dissatisfaction of people in both parties — the loss of confidence, or do you change the name or something?" He quoted Churchill: " 'Some men change principle for party and some men change party for principle.' I agree with him," Reagan said, "and believe in the latter." After Reagan's press conference, one GOP worker said: "Reagan wants to be a broker in the party. He wants President Ford and others to listen to him. If they won't listen to him . . . then he'll threaten to run against them."

At about the same time, Eugene McCarthy was talking about forming a new liberal party for 1976.

Despite all the talk, the history of third parties is one of electoral failure. No third party has ever won a presidential election, and only one of the numerous third parties in American history — the Republican Party — has grown to become one of the two largest parties. (The Republican Party, born in 1854, took a stand against the extension of slavery while the Whigs and Democrats hesitated, and six years later captured the White House as the second major party.) With that exception, even the strongest of third-party movements has served only as a protest vehicle.

In fact, in the early 1960s, before the founding of the American Independent Party, third parties appeared to be dying, both nationally and in California, even as significant vehicles of protest. In 1960, all the third parties combined received only 200,000 votes in the presidential election; in 1964, they polled only 126,000 votes. Between 1952 and 1964, the combined third-party registration in California dropped from 2.7 percent of all registered voters to .5 percent. Then, in 1968, the AIP burst onto the scene, qualifying for the ballot in every state. In California, the AIP registration was about 95,000, or 1.1 percent of the total. The Peace and Freedom Party, which arose partly in response to the AIP, qualified in California with a registration of about 65,000. In fact, the efforts of both of these parties seemed to stimulate the other minor parties, as overall third-party registration in California reached 2.4 percent in 1968.

Still, in four general elections neither AIP nor P & F has elected a single candidate in this state. And the record of each has been one of steady decline, even in the counties in which each is strongest. In 1974, each party had only .4 percent of the statewide registration, or about 40,000 registered voters.

In the November elections, both parties remained qualified for the ballot, but just barely. In order to stay qualified, at least one of a party's statewide candidates must receive a minimum of 2 percent of all the votes cast in the state. Each party had only one candidate who met that requirement in 1974. W. Wayne Fortner, AIP candidate for state treasurer, received 4.6 percent of the vote for that office, and his 209,822 votes were the most received by any minor-party candidate in the state. Marilyn Seals, P & F candidate for lieutenant governor, narrowly saved her party's position on the ballot by polling 2.6 percent of the vote.

Co-opting positions

The news in 1974 was not all bad for the minor parties, however. In the 16th Assembly District in San Francisco, Kayren Hudiburgh of the Peace and Freedom Party took 14.7 percent of the vote to outpoll the Republican candidate and finish second to Democratic Assemblyman John F. Foran. That one incident does not, however, negate the decline that has caused some observers to speculate that neither the AIP nor the P & F Party will be on the ballot in 1976.

Like most of the significant protest parties that have come and gone, these two parties have declined largely because their positions were partially co-opted by the major parties. By 1972, many of the 1968 Wallace supporters had been drawn to the Republicans by the Nixon administration's stand against busing children to accomplish racial integration within school districts and its "hard line" on law and order. Also, George McGovern's presidential nomination drew many P & F voters back to the Democratic fold. And, with the de-escalation in Vietnam almost completed, both parties lost a principal aim of their protest, the AIP having supported military victory in 1968 and the P & F immediate withdrawal. George Wallace's decision not to run in the AIP in 1972 also denied the party its only national leader.

It is sometimes said that being co-opted is not a failing at all, that the purpose of a protest party is to dramatize issues, promote policies, and to get one or both of the established parties to take up its cause. However, the direct impact of third parties on policy is almost always limited. A major party may quickly adopt part of a minor party's program, but the rest must wait until events have changed public opinion. As Daniel A. Mazmanian of the Brookings Institution has pointed out, while Nixon did speak out against busing and put Southerners on the Supreme Court, " . . . the major policies that had been articulated by Wallace — repeal of the civil rights acts of the 1960s and a return to local control over school-

The author, a student at Sacramento State University, wrote this article while a Journal *intern.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

integration policies ('freedom of choice') — were not enacted under Nixon." In fact, changing events probably had more to do with Nixon's anti-busing stand than the threat posed by the AIP. Only after federal judges ordered the merger of city and suburban school districts in 1972 did Nixon go beyond rhetoric and promise that busing would be halted.

Rather than guiding public policy, third parties probably have a greater significance in their impact on election results. Sometimes the effect is negative, in helping defeat the major-party candidate most preferred by their own members. Some examples:

- In 1968, the 37th Assembly District (then Ventura County) saw Democrat Ken MacDonald, with 53,760 votes, edge out Republican Randolph Siple, who polled 51,640 votes. AIP candidate James Collins got 3,208 votes, and P & F's Dwight Moore, 1,082 — more than MacDonald's winning margin.
- In 1970, the race for attorney general may have been determined by the candidacy of P & F candidate Marguerite M. Buckley, who polled 177,716 votes — about double Republican Evelle J. Younger's margin of victory over Democrat Charles A. O'Brien.
- In 1972, Democrat Cathy O'Neill lost her challenge to state Senator Robert S. Stevens of Los Angeles by less than the P & F candidate's vote.
- In November 1974, Republican Senator Craig Biddle was unseated by Democrat Robert B. Presley in the 34th Senatorial District by fewer votes than received by AIP candidate Nial D. Meadows.

However, unless the minor party vote is considerably larger than the difference between the vote for the two major candidates, the presence of the third-party candidate cannot be said to have affected an election's outcome. Many third-party voters are people who — at least at the moment of the election — are so disenchanted with the two major parties that they would not have voted at all in the absence of another alternative. In any event, the effects of third parties, either as promoters of new policies or as "spoilers", are limited. The fact that third parties are often partially co-opted accounts for part of this limitation, and three other principal factors are also involved:

1. *The plurality System.* Since the candidate receiving a plurality is the only one to hold office, there are no extra seats for the runners-up. Under proportional representation, in which seats are distributed on the basis of the percentage of votes obtained, minor parties are encouraged.

2. *The two-way split.* While any issue may generate many shades of opinion, most major issues tend to break into two basic positions. (Political scientist V.O. Key suggested that, historically, most major political issues in America have lent themselves to just such a split: whether or not to ratify the Constitution; East versus West; North versus South; urban versus rural.)

3. *The American consensus.* Most Americans accept the prevailing social and political institutions such as the Constitution and a regulated but largely free-enterprise economy. In such traditional multi-party countries as France and Italy, segments of opinion favor radical changes in government — changes that defy co-option and brook little compromise.

Barrier of the ballot

In California, third parties are also discouraged from the start by statutory barriers to the ballot. A party is initially legally recognized and the names of its candidates placed on the ballot if:

- At the last general election any of its statewide candidates received at least two percent of all the votes cast in the state.
- By the 135th day before a primary the number of voters registered with the party equals one percent of the total state vote at the preceding gubernatorial election.
- Within 135 days before a primary the party files with the secretary of state a petition signed by a number of voters equal to 10 percent of the state vote at the last gubernatorial election.

Once qualified, a party remains on the ballot as long as it can meet the first of these tests and as long as its registration is at least one-fifteenth of one percent of the total state registration. Because of these requirements, only nine minor parties have ever qualified for the California ballot: Socialist, Liberty, Prohibition, Commonwealth, Independent Progressive, Communist, Townsend, Peace and Freedom, and American Independent.

Conditions for political take-off

Given these advantages, if a third party is to mount even a significant protest movement, several overriding conditions must be met:

- A severe political conflict must exist over a few specific but critical issues.
- The electorate must be divided on at least one of these issues into a broad majority to which both major parties cater, leaving a substantial, estranged minority.
- The minority position must be rejected or avoided by both major parties.
- There must be a group with a well-known leader ready to exploit the situation by forming a new party.

In 1968, these conditions were met: The nation was overwhelmingly concerned with three issues: Vietnam, "law and order", and race relations. The AIP supporters constituted a sizeable — and intense — minority on all three,

The effect of third parties

In only eight presidential elections has a third party had a significant impact:

Year	Party	Percent of vote
1832	Anti-Mason	8.0
1848	Free Soil	10.1
1856	American (Know-Nothing)	21.4
1860	Breckenridge (Southern) Demo	18.2
1892	Populist	8.5
1912	Progressive (Bull Moose)	27.4
	Socialist	6.0
1924	La Follette Progressive	16.6
1968	American Independent	13.5

Source: Daniel A. Mazmanian, *Third Parties in Presidential Elections.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

favoring all-out victory in Vietnam, reliance on the use of force to end crime, and segregation as a declared public policy. Both the Democrats and Republicans catered to the majority on all three issues, advocating some kind of withdrawal from Vietnam; talking about crime in social as well as tactical terms; and refusing to support segregation, debating instead about the pace and method of integration. Having been rejected by both major parties, the AIP constituency moved into a third force behind George Wallace.

Whether or not Ronald Reagan would be willing to head a third party in 1976, the likelihood that both major parties would again be unwilling to absorb a significant constituency is small. And the chances of such a third party being able to build a plurality are far smaller. And yet, a number of new parties have been founded in recent years, each hoping to qualify soon for the ballot in California. Among them:

The Libertarian Party. Libertarianism is a revival and extension of 19th-century laissez-faire liberalism. Most Libertarians believe that the government's only legitimate functions are to establish laws against the aggressive use of force (particularly theft) and to provide police, courts, and a military to protect people from aggression. Under libertarianism, all public services would be provided through the "free market". For Libertarians, taxation is a form of coercion, and the use of force — except in self-defense — is evil. A Libertarian faction consists of anarchists or anarcho-capitalists, who advocate the total absence of government. So far, the party's biggest success came in New York's last mayoral election when its candidate polled 9,000 votes. John Hospers, director of the University of Southern California's school of philosophy, was the party's presidential candidate in 1972, receiving one electoral vote. Former Governor Ronald Reagan's appointments secretary, Ned Hutchinson, was recently named to head the party's paid staff as national director. Hutchinson's main task will be to develop a party structure and financial support in an effort to qualify the Libertarian Party next year for the California ballot.

La Raza Unida. A Chicano party founded in 1970, La Raza Unida claimed 20,543 registered voters in California in January 1972. To qualify through registration for the ballot by 1976, it will need 62,582 registered voters. The party has yet to elect any candidates in California; its electoral successes have been at the local level in a few Texas towns with primarily Chicano populations. While La Raza Unida has not elected any candidates in California, its presence has nonetheless been felt. In a 1971 special election, it ran Raul Ruiz, a professor at California State University, Northridge, as a candidate for the Assembly in the 48th District; Ruiz polled 7 percent of the vote, enough to keep the Democratic candidate, Richard Alatorre, from winning. (Alatorre ran again in the 1972 general election and won.)

In recent years, the number of independent voters who decline to state a party affiliation has been growing. In 1968, independents accounted for 2.7 percent of the state's voters; by 1970, they accounted for 3.9 percent, and by May 1974, 5.8 percent.

Reagan was apparently correct when he cited "the dissatisfaction of people in both parties." If established party ties continue to weaken, and the number of independents continues growing at a rapid pace, one or more third-party movements may yet again emerge, propelled by some compelling and divisive issue.

Moretti and other appointees

Governor Edmund G. Brown Jr. kept former gubernatorial candidate and Assembly Speaker Bob Moretti waiting almost three months before giving Moretti a post in the new Democratic administration. Moretti, 38, who had clashed bitterly with Brown during the primary campaign, endorsed Brown during the general election and was expecting to be rewarded with a job in the administration. But Brown seemed reluctant to appoint professional politicians to any posts in his administration, and Moretti failed to get the job he wanted most — secretary of the Resources Agency. On February 5th, Brown announced that he had named Moretti to the new Energy Resources Conservation and Development Commission, a job that pays $37,112 a year.

Other appointments:

Energy Resources Conservation and Development Commission. Richard E. Tuttle, 54, of Mokelumne Hill, president of the Calaveras Title Company and former chief counsel to the state Public Utilities Commission; Alan D. Pasternak, 41, a chemical engineer at the University of California's Livermore radiation laboratory; Ronald D. Doctor, 39, of Santa Monica, a Rand Corporation specialist in nuclear engineering.

Chairman of the Adult Authority (parole board). Raymond Procunier, 51, former director of corrections.

Director of the Department of Corrections. Jerry Enomoto, 48, a career civil servant who spent 18 months in a relocation camp for Japanese Americans during World War II.

Youth Authority Board. Pearl S. West, 52, of Stockton, former director of the California Council on Crime and Delinquency.

Public Utilities Commission. Leonard Ross, 29, of Los Angeles, onetime television quiz-show prodigy and, more recently, law-school instructor.

Deputy secretary of the Resources Agency. Larry Edwin Moss, 40, of Mill Valley, associate conservation director of the Sierra Club.

Deputy secretary of the Business and Transportation Agency. Sid McCausland, 34, consultant to the Assembly Transportation Committee.

Deputy secretary of the Agriculture and Services Agency. Stephen Taber Buehl, 27, of Menlo Park, a deputy public defender in Santa Clara County.

Air Resources Board. Mary Nichols, 29, a Los Angeles attorney; Robert F. Sawyer, 39, of Walnut Creek, a professor of mechanical engineering at the University of California in Berkeley.

State Board of Education. Michael W. Kirst, 35, of Menlo Park, an education professor at Stanford; John Pincus, 48, of Los Angeles, a Rand Corporation education executive.

Director of Motor Vehicles. Herman Sillas, 40, a Los Angeles attorney and unsuccessful primary candidate for secretary of state.

Director of the Department of Housing and Community Development. Arnold C. Sternberg, 49, a Washington, D.C., lawyer specializing in housing.

Executive director of the Fair Political Practices Commission. Michael Bennett, 36, a native of Santa Barbara, director of a national organization of poverty lawyers.

Director of Agriculture. Tim Wallace, 46, an agricultural economist at U.C.-Berkeley and a former Oregon rancher and logger.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A billion-dollar incentive

On the surface, it may look rather ridiculous for a sitting Legislature to be called into special session by Governor Edmund G. Brown Jr. to enact a housing bill that it is already considering. But the Governor had a billion-dollar reason for convening an extraordinary session on the Washington's Birthday holiday, February 17th. The legislation in question would establish a new state housing agency staked with a $450 million revenue-bond authorization to spur, through low-interest financing, construction of low- and moderate-income housing.

The state Constitution prohibits creation of a new state office by urgency statute. This means that action during the general session would not take effect until next January 1st. By calling a special session, Brown made it possible for the act to become effective 90 days after he signs the bill into law. Brown and the key authors of housing measures — Senators George Zenovich and George Moscone and Assemblyman Peter Chacon — were hoping that the housing corporation could go into business by June 30th so that some $1 billion in available federal housing funds could be captured for the project.

Slow pace

Brown's action put some life in an otherwise listless session. It appeared that, as usual, lawmakers would not get into high gear until spring and finish with a flurry in the heat of the Sacramento summer. Assembly Speaker Leo T. McCarthy proposed that the lower house take the Washington's Birthday holiday off, but that would have meant losing $120 in expense money for each assemblyman, and they protested. Eventually, McCarthy put the issue into the hands of the Rules Committee, which called for a work session. McCarthy's task-master operation also prompted some grumbling among members who resented being threatened with loss of their $30-a-day per diem if they fail to attend their assigned committee sessions.

Assemblymen Edwin Z'berg and Charles Warren, both attorneys, added another ingredient to the long legislative conflict over no-fault automobile insurance by introducing a new notion to the fray. Under their plan, motorists would pay for auto insurance through a 6 percent tax on gasoline, plus increases in license-plate and driver's license fees. Poor drivers would pay additional premiums when they obtain their licenses under this "pay as you drive" scheme. The system, which includes a no-fault element but retains the right to sue for pain and suffering, is based on a plan already in effect in Maryland.

Senate

EDUCATION

SB 82 (Stull) — Exempts community-college districts bordering on another state and having fewer than 700 students from charging non-resident tuition fees. Passed 29-4.

ENVIRONMENT

SCR 3 (Holden) -- Requests California Highway Patrol not to issue citations to drivers who have failed to install emission devices in 1966-'70 vehicles (pending consideration of repeal legislation). Adopted 21-9.

SB 13 (Holden) -- Repeals blanket requirement that omission devices be installed in 1966-'70 vehicles in South Coast Air Basin. Passed 27-6.

MISCELLANEOUS

SB 122 (Petris) — Makes the state Department of Housing and Community Development and the Commission on Housing and Community Development permanent agencies. Passed 31-3.

SCR 14 (Collier) -- Creates special legislative committee to study feasibility of building an entrance corridor adjacent to Interstate 5 for easier access to the state Capitol. Adopted 23-11.

SENATE (24 D, 15R)	SB 82	SCR 3	SB 13	SB 122	SCR 14		SB 82	SCR 3	SB 13	SB 122	SCR 14
Alquist (D)	Y	*	*	Y	Y	Nejedly (R)	N	N	Y	Y	*
Ayala (D)	Y	Y	*	Y	Y	Petris (D)	*	*	N	Y	Y
Behr (R)	Y	N	N	Y	Y	Presley (D)	Y	Y	Y	Y	Y
Beilenson (D)	*	N	N	Y	*	Rains (D)	Y	Y	Y	Y	Y
Berryhill (R)	Y	Y	Y	*	Y	Richardson (R)	N	*	Y	N	N
Carpenter (R)	N	Y	Y	Y	N	Robbins (D)	Y	Y	Y	Y	Y
Collier (D)	Y	*	Y	Y	Y	Roberti (D)	Y	Y	Y	Y	Y
Cusanovich (R)	Y	*	Y	Y	Y	Rodda (D)	Y	N	N	Y	Y
Deukmejian (R)	Y	Y	Y	Y	N	Russell (R)	Y	*	Y	N	N
Dills (D)	*	Y	*	*	*	Schrade (R)	Y	Y	Y	Y	Y
Dunlap (D)	Y	N	N	Y	Y	Smith (D)	Y	Y	Y	Y	Y
Garcia (D)	Y	Y	*	Y	Y	Song (D)	Y	Y	Y	Y	Y
Gregorio (D)	Y	N	Y	Y	*	Stevens (R)	*	Y	Y	*	N
Grunsky (R)	*	N	Y	Y	N	Stiern (D)	*	Y	Y	Y	N
Holden (D)	Y	Y	Y	Y	Y	Stull (R)	Y	N	Y	*	N
Holmdahl (D)	N	Y	Y	Y	Y	Way (R)	Y	*	Y	Y	N
Kennick (D)	Y	Y	Y	Y	Y	Wedworth (D)	Y	Y	Y	Y	N
Marks (R)	Y	Y	Y	Y	Y	Whetmore (R)	Y	*	Y	N	N
Mills (D)	Y	Y	N	Y	Y	Zenovich (D)	Y	N	*	Y	Y
Moscone (D)	Y	*	*	*	*	(one vacancy)					

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through February 16th. Votes selected involve issues of major importance, issues on which there was a major division of opinion, or both.

Y — Yes
N — No
★ — Absent or not voting

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority.
⅔ = 54 votes.

Senate: 21 votes required for passage of bills needing a simple majority.
⅔ = 27 votes.

ASSEMBLY (54 D, 25R)	ACA 15	ACA 4	AB 96	AB 177	AB 222	AB 82	SCR 3		ACA 15	ACA 4	AB 96	AB 177	AB 222	AB 82	SCR 3
Alatorre (D)	Y	Y	N	Y	Y	Y	N	Keysor (D)	Y	Y	Y	Y	Y	Y	N
Antonovich (R)	N	N	Y	N	Y	Y	Y	Knox (D)	Y	Y	Y	Y	Y	Y	N
Arnett (R)	Y	N	N	N	Y	Y	N	Lancaster (R)	N	N	Y	N	Y	Y	Y
Badham (R)	Y	N	N	N	Y	Y	Y	Lanterman (R)	N	N	*	N	Y	Y	Y
Bane (D)	N	Y	Y	Y	*	N	Y	Lewis (R)	N	*	Y	N	Y	Y	N
Bannai (R)	Y	*	Y	Y	Y	Y	Y	Lockyer (D)	Y	Y	Y	Y	Y	*	N
Berman (D)	Y	Y	N	Y	Y	N	N	MacDonald (D)	N	Y	*	Y	*	Y	Y
Beverly (R)	Y	N	*	N	Y	Y	*	Maddy (R)	*	*	Y	Y	Y	Y	N
Boatwright (D)	*	Y	*	Y	*	Y	N	McAlister (D)	N	Y	Y	Y	Y	Y	N
Briggs (R)	Y	N	*	N	Y	Y	Y	McCarthy (D)	Y	Y	*	Y	Y	*	Y
Brown (D)	*	Y	*	*	Y	Y	N	McLennan (R)	N	N	Y	N	Y	*	*
Burke (R)	*	N	Y	*	Y	Y	Y	McVittie (D)	Y	Y	Y	Y	*	Y	Y
Calvo (D)	Y	Y	N	Y	Y	Y	N	Meade (D)	Y	Y	*	Y	Y	N	N
Campbell (R)	N	*	N	N	Y	Y	Y	Miller (D)	Y	Y	N	Y	N	N	Y
Carpenter (D)	*	Y	N	Y	N	N	N	Mobley (R)	N	N	Y	N	Y	Y	N
Chacon (D)	N	Y	N	Y	Y	*	Y	Montoya (D)	*	Y	N	*	Y	Y	*
Chappie (R)	N	*	Y	Y	Y	Y	Y	Murphy (R)	*	N	Y	Y	Y	Y	Y
Chel (D)	Y	Y	Y	Y	Y	Y	Y	Nestande (R)	N	N	N	Y	Y	Y	Y
Chimbole (D)	Y	Y	Y	Y	Y	Y	Y	Nimmo (R)	Y	*	*	N	Y	Y	*
Cline (R)	Y	N	N	N	Y	Y	Y	Papan (D)	Y	Y	*	Y	Y	*	Y
Collier (R)	N	N	Y	N	Y	Y	N	Perino (D)	N	Y	N	Y	Y	Y	N
Craven (R)	Y	N	Y	N	Y	Y	N	Priolo (R)	Y	*	N	N	Y	Y	Y
Cullen (D)	Y	Y	Y	*	Y	Y	Y	Ralph (D)	Y	*	*	Y	*	*	Y
Davis (D)	N	Y	Y	Y	Y	N	*	Robinson (D)	N	Y	*	Y	N	N	Y
Deddeh (D)	Y	Y	Y	Y	N	Y	Y	Rosenthal (D)	Y	Y	Y	Y	N	N	Y
Dixon (D)	Y	Y	N	Y	Y	N	Y	Siegler (D)	Y	Y	N	Y	N	N	N
Duffy (R)	N	*	*	Y	*	Y	N	Sieroty (D)	N	Y	*	Y	*	N	N
Egeland (D)	N	Y	N	Y	N	Y	N	Suitt (D)	Y	Y	N	Y	*	*	Y
Fenton (D)	Y	Y	Y	Y	Y	Y	Y	Thomas, V. (D)	Y	Y	Y	Y	Y	Y	Y
Foran (D)	Y	Y	Y	Y	Y	Y	N	Thomas, W. (R)	Y	*	Y	N	Y	Y	Y
Garamendi (D)	Y	Y	N	Y	Y	N	N	Thurman (D)	N	Y	N	Y	Y	N	Y
Goggin (D)	Y	Y	N	Y	Y	N	N	Torres (D)	*	Y	N	*	Y	Y	N
Greene, B. (D)	Y	Y	*	Y	*	Y	Y	Tucker (D)	Y	Y	N	Y	Y	N	Y
Greene, L. (D)	Y	Y	*	Y	Y	*	N	Vasconcellos (D)	Y	Y	*	Y	Y	N	N
Gualco (D)	N	Y	N	Y	N	N	N	Vicencia (D)	*	Y	Y	Y	Y	Y	Y
Hart (D)	Y	Y	N	Y	Y	N	Y	Warren (D)	Y	Y	N	Y	N	Y	*
Hayden (R)	Y	*	N	Y	Y	Y	N	Wilson (D)	N	Y	Y	Y	N	Y	Y
Ingalls (D)	Y	Y	N	Y	Y	*	N	Wornum (D)	*	Y	Y	Y	N	Y	Y
Kapiloff (D)	Y	Y	N	Y	N	N	Y	Z'berg (D)	Y	Y	N	Y	Y	N	N
Keene (D)	Y	Y	Y	Y	Y	Y	Y	(one vacancy)							

Assembly

CONSTITUTIONAL AMENDMENTS

ACA 15 (Cline) — Reduces the legal age for purchasing alcoholic beverages from 21 years to 18. Failed 46-23. Reconsideration requested.

ACA 4 (B. Greene) — Permits bank, corporation and insurance company taxes to be raised by simple majority vote instead of two-thirds majority. Failed 53-15. Reconsideration requested.

ENVIRONMENT

AB 96 (Lockyer) — Prohibits registration of heavy vehicles exceeding specified noise limits. Failed 32-30.

AB 177 (Lockyer) — Eliminates 22 percent depletion allowance in computation of oil company taxes. Passed 57-17.

MISCELLANEOUS

AB 222 (Lewis) — Authorizes osteopaths to be licensed as physicians without taking written examinations under specified conditions. Passed 58-12.

AB 82 (Knox) — Permits court review of decisions by local governmental agencies within 30 days of enactment. Passed 50-20.

SCR 3 (Holden) — Requests moratorium on citations for violating new smog-device law for 1966-'70 cars in Los Angeles area. Adopted 41-32.

NOTE: Both the Senate and the Assembly have been making it a practice to consider controversial measures on the floor only on Thursdays.

The other California Journal

The televised California Journal can be seen weekly over the following stations:

Sacramento — KVIE-Channel 6, Tuesdays, 9:30 p.m.; **Los Angeles** — KCET-Channel 28, Fridays, 3 p.m.; **San Francisco** — KQED-Channel 9, Saturdays, 6:30 p.m.; **San Diego** — KPBS-Channel 15, Thursdays, 7 p.m.; **Eureka** — KEET-Channel 13, Weekdays, 7 p.m.; **Huntington Beach** — KOCE-Channel 50, Wednesdays and Sundays, 7:30 p.m.; **Redding** — KIXE-Channel 9, Wednesdays, 7 p.m.; **San Bernardino** — KVCR-Channel 24, Thursdays 10 p.m., Tuesdays, 2:30 p.m.; **San Jose** — KTEH-Channel 54, Fridays, 7:30 p.m.; **San Mateo** — KCSM-Channel 14, Thursdays, 8:30 p.m.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A WASHINGTON PERSPECTIVE...

By Lou Cannon

Citizen Reagan and his conservative constituency

Citizen Ronald Reagan returned last month to the scene of one of his most disastrous speeches of 1974 and demonstrated to his conservative friends that he remains open to the notion of an alternative presidential candidacy in 1976. At a time when many self-identified conservatives have soured almost completely on the Republicans, Reagan succeeded in holding aloft the banner of "a new second party", which he sees as sort of a purified Republican Party purged of its moderate elements and presumably of that considerable body of GOP adherents willing to accept the deficit-spending policies of President Ford.

In his speech to a conservative political conference co-sponsored by the American Conservative Union and the Young Americans for Freedom, Reagan lived up to Ambrose Bierce's celebrated definition of a conservative — "a statesman who is enamored of existing evils, as distinguished from the liberal, who wishes to replace them with others." Recession is the existing "evil" that Reagan is willing to tolerate rather than accept the "cure" of deficit spending. "We can take steps, yes, to ease the suffering of some who will be hurt more than others, but if we turn from fighting inflation . . . and adopt a program to fight recession instead we are on the road to national disaster," he told the cheering conservatives. "In his first address to Congress, the President asked Congress to join him in an all-out effort to balance the budget. I think all of us wish that he had reissued that speech instead of this year's budget message. What side can any of us take in a debate over whether the deficit should be $52 billion or $70 billion or $80 billion preferred by a profligate Congress?"

For good measure, Reagan also leveled the agreement that Ford considers the finest achievement of his brief presidency. "The SALT II agreement we have negotiated in Vladivostok, if not renegotiated, guarantees the Soviets a clear missile superiority sufficient to make 'a first strike' possible with little fear of reprisal," Reagan said.

All this was martial music to the ears of Reagan's audience, which at a similar political action conference a year ago had looked upon the then-California governor as the messiah who would lead America out of the Nixon malaise and into the promised land of Principle. Reagan instead responded with a stock speech on the Founding Fathers that made no mention either of Richard Nixon or of the Watergate scandal and that established Reagan only as a serious rival to the sleeping-pill industry. Reagan's vague inspirational approach, the kind of speech that satirist Art Hoppe used to call "for truth, decency and just plain goodness," so disappointed his followers that the bolder of them warned Reagan that he would be in danger of losing his most constant constituency if he tried it again.

Reagan paid close attention to what conference organizers and conservative columnist John Lofton told him about his 1974 performance. He also picked up the political cross-currents at the 1975 conference, where influential conservatives such as Senator James L. Buckley of New York and Mississippi GOP Chairman Clarke Reed were trying to restrain rank-and-file delegates who are ready to bolt the Republican Party a week from Tuesday.

What the conference revealed, for anyone who previously doubted it, is that Ford has almost no national constituency among conservatives. Delegates roared with laughter when columnist Kevin Phillips compared the Ford administration to that of Millard Fillmore. And they applauded when Phillips asked, rhetorically, "Why do you want the 1976 Republican presidential nomination when you could give it to somebody else?"

Reagan understands and largely shares the dissatisfaction of these conservatives with the Ford administration. In private he expresses increasing frustration with the President's decision to fight recession on the Democrats' own ground rather than with hallowed appeals for budget balancing. But he also understands the fears of conservative office-holders such as Senator Strom Thurmond of South Carolina and Buckley (who faces a stiff re-election fight next year) that a premature third-party effort would become a fringe affair that would attract the cuckoos of the western world and wind up helping the Democrats in 1976.

"Take your time," cautioned F. Clifton White, the political consultant who managed Reagan's brief presidential candidacy in 1968. And Mississippi GOP Chairman Reed put it even more bluntly: "Reagan must behave on the premise that Ford will not be a candidate in 1976."

The President, of course, says he will be a candidate, and there is no question but that he means it. Whether his intention will persist in the face of rising unemployment, the uncertainty of his wife's medical condition, and the insistence of New Hampshire Governor Meldrim Thomson that Ford should be opposed by another Republican, preferably Reagan, in his state's opening presidential primary is another matter.

Ronald Reagan made it clear at the conservative conference that he is not going to lead his followers into the third-party wilderness. He also advertised that he is waiting alertly in the Republican presidential wings.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

California Journal shopping list

To help Californians follow the course of California government and politics, the following items are available by mail from California Journal, 1617 10th St., Sacramento 95814:

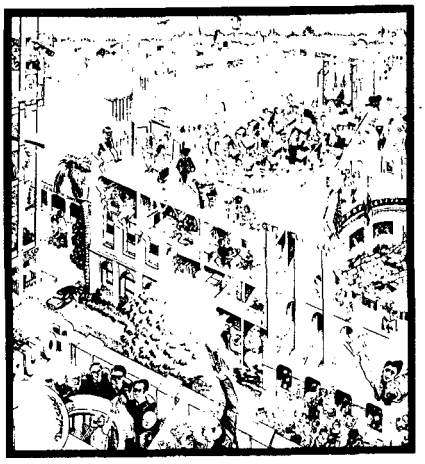
Rosters

Copies of the 1975 *California Journal Roster and Government Guide* are now available. The 1974 roster last year sold out rapidly, so early orders are advised. Its 12 pages include names, addresses and telephone numbers of executive departments, local offices of the state's congressional delegation and legislators, as well as the legislative committee structure and a guide to the legislative process.

Rates: single copies, 50¢; 2-10 copies, 40¢ each; 11-50 copies, 30¢ each, 51 or more copies, 20¢ each. Please add 6% sales tax to all orders.

Samish book

Available again is the humorous autobiography of the late Artie Samish, *The Secret Boss of California*. Originally published at $5.95, the book is available from the *Journal* for $3, including tax and postage.



Posters

Suitable for framing at only $2: David Sibbet's whimsical portrayal of the political scene in California. The 11 x 17 inch poster will be mailed unfolded, and is suitable for hanging in den or office.

Binders

Journal binders — handsome, loose-leaf, gold-stamped — are available for each year.

$7 each, plus 42¢ tax and postage.

Back copies

Back copies of all issues of the *Journal*, except November 1973 and February 1974, are available for $1.50 each. Complete years cost $15, including the annual index. (Indexes are also available separately at $1.50 each.) For $60, we will send you the first five years of *Journals*, 1970-1974, complete with annual indexes.

The biggest gap in the world is the gap between the justice of a cause and the motives of the people pushing it.

John P. Grier

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED